UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1997/SR.59
15 May 1997

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 59th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 14 April 1997, at 10 a.m.

Chairman: Mr. SOMOL (Czech Republic)

CONTENTS

STATEMENT BY MR. SARDAR MOHAMMAD ABDUL QAYYUM KAHN, FEDERAL MINISTER OF PAKISTAN

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD;

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY;

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.97-12280 (E)

CONTENTS (continued)

(c) PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY, AS WELL AS THE BASIC MEASURES NEEDED FOR THEIR PREVENTION AND ERADICATION (continued)

ORGANIZATION OF THE WORK OF THE SESSION (continued)

The meeting was called to order at 10.55 a.m.

STATEMENT BY MR. SARDAR MOHAMMAD ABDUL QAYYUM KAHN, FEDERAL MINISTER OF PAKISTAN

1. Mr. ABDUL QAYYUM KHAN (Pakistan) said that respect for human rights had been universally recognized by all civilized cultures, societies, communities and religions, and was a central plank of Islam. Muslims believed that if politics were divorced from ethics and morality it was reduced to the law of the jungle.

2. Unfortunately, Pakistan's efforts to promote prosperity for its people had been impeded by the endemic confrontation with India over Kashmir. The Commission had direct responsibility in the Kashmir dispute because its root cause was the denial of one of the fundamental principles of human rights, namely, the right to self-determination. In the 1947 partition of India, the State of Jammu and Kashmir, whose population was over 80 per cent Muslim, was expected to accede to Pakistan. It was at that time that the colonial power had given India a land link to Kashmir, and the Maharaja of Kashmir had been forced to declare accession to India rather than to Pakistan. In 1948, when 40,000 indigenous freedom fighters were poised outside Srinagar, Pakistan had been advised to restrain them; meanwhile, Indian troops were occupying Kashmir.

3. The principle of the right of the people of Jammu and Kashmir to self-determination, which was affirmed by the Security Council, had been explicitly endorsed by both India and Pakistan. Unfortunately India had not stood by its pledge to the Kashmiri people. Furthermore, during the previous 50 years, Kashmir, once advertised as Asia's Switzerland, had been economically strangled and culturally emasculated and subjected to a policy of religious discrimination and planned changes in its demographic composition. Since 1947, tens of thousands of people had been killed in Kashmir and hundreds of thousands of others had fled the region or been displaced and were awaiting repatriation in Azad Kashmir and Pakistan.

4. The current crisis had been ignited by the accumulated frustration of the people of Kashmir as a result of prolonged oppression. Following the rigged elections of 1987 and 1989, the population had demonstrated peacefully to demand "Azadi"-freedom. In January 1990, Indian troops stationed in Srinagar had responded by firing indiscriminately on a political rally, killing over 100 peaceful demonstrators. Since then, Kashmir had been raked by violence. India had pursued a complex strategy to defeat the Kashmiri freedom struggle, and human rights violations, committed on the direct orders of the Indian armed forces, had been carried out systematically. Furthermore, such violations had been accompanied by the persecution and elimination of the political leadership in Kashmir, and the elections which had been held in Indian-occupied Kashmir had been marked by extensive electoral fraud. Consequently, the puppet regime installed in Indian-held Kashmir enjoyed neither legitimacy nor the support of the Kashmiris.

5. The people of Azad Kashmir and of Pakistan had so far remained spectators of the tragedy being played out in Kashmir, and even Kashmiris on the Pakistan side of Kashmir were not safe from attacks across the cease-fire

line. Despite such provocations, Pakistan's restraint had been a decisive factor in preventing a war between the two countries. Indeed, Pakistan forces had on several occasions prevented the people of Azad Kashmir from crossing the cease-fire line in order to assist their compatriots in Indian-occupied Jammu and Kashmir. After seven years of bloodshed, it was evident to all that a military solution to the Kashmir dispute was impossible and that, if the confrontation continued, it could threaten international peace and security. Most certainly, it would hold back both countries from realizing their vast economic and social potential.

6. It was in that context that Pakistan's Prime Minister had decided to resume bilateral talks with India on all outstanding issues, including Kashmir. If that dialogue was to be successful, the first order of business should be steps to halt gross violations of human rights in Kashmir. That was an area in which the Commission had a primary interest and legitimate jurisdiction. India should take a number of steps to improve the human rights situation and reduce tension in the region, specifically, by withdrawing 700,000 troops from Jammu and Kashmir; releasing Kashmiri detainees, putting an end to crackdowns, summary executions, custodial killings, and other human rights abuses against the Kashmiri people; ending harassment and attacks against Kashmiri leaders and intellectuals; enabling international media and human rights organizations to visit Kashmir, and allowing the International Committee of the Red Cross (ICRC) free access to detained Kashmiris; removing military installations from Kashmiri towns; repealing the coercive laws under which Kashmiris could be held and detained without any legal rights; and allowing humanitarian help to reach destitute Kashmiri widows and orphans in Indian-held Kashmir.

7. It must be recognized that the Kashmir dispute was not about territory but about the destiny of a people. Regardless of the solution adopted, it had to reflect the aspirations of the people of Jammu and Kashmir on both sides of the cease-fire line. An essential element in arriving at a solution could be agreement on the way in which the Kashmiri people would express their wishes in a free and fair manner. Efforts had been made - so far unsuccessfully - to enable the people of the two parts of Kashmir to get together under the auspices of one of the international organizations. Pakistan hoped that India would contribute to a dialogue of that nature in the near future. Despite the passage of time, the Kashmir dispute was not "petrified". It had, in fact, become a festering wound that could be cured only through collective efforts. The present historic opportunity should be seized in order to embark upon the dialogue and take decisive steps to put an end to human rights violations, since the international order must be based on justice, fair play and respect for agreed norms.

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD;

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY;

(c) PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY, AS WELL AS THE BASIC MEASURES NEEDED FOR THEIR PREVENTION AND ERADICATION

(agenda item 21) (continued) (E/CN.4/1997/93-95 and Add.1 and 2, 96 and 97; E/CN.4/1997/NGO/11 and 25 and Add.1; A/51/306 and Add.1 and 456)

8. Mr. BALA RAM (Nepal) said that, despite the various guarantees embodied in international instruments on the protection of the rights of the child, estimates presented in UNICEF's 1997 report on the situation of children in the world indicated that one quarter of children between the ages of 5 and 14 in the developing countries were deprived of facilities to which they were normally entitled.

9. For example, it was estimated that 30 per cent of children attending primary schools would be unable to complete their primary education and even less embark upon their secondary education. Furthermore, as a result of burgeoning unemployment and increasing poverty, unscrupulous parents were pushing their children into the sex industry, and trafficking in girls was becoming a major problem in South Asia. According to figures collected by certain non-governmental organizations (NGOs), sex tourism involving children attracted over 40,000 tourists to certain countries of that region; 12 to 20 per cent of child prostitutes were HIV-positive.

10. Most of the children were forced to work regardless whether they wanted to or not. Poverty, the illiteracy of their parents, the fact that it was impossible for them to acquire an education, the exodus from rural areas and broken homes could be regarded as causes of the exploitation of children.

11. His delegation took the view that it was not enough to adopt legislation to curb that scourge; children should be freed from servitude for debt and prostitution and rehabilitated by providing them with appropriate services and particularly education. Nepal had adopted various legislative and administrative measures in that connection. The 1990 Constitution guaranteed that the interests of the child would be protected by having the State assume certain obligations; article 20 prohibited trafficking in persons, slavery and forced labour and regarded such acts as offences punishable under the law. Moreover, the law on trafficking in women had been amended and violators could be sentenced to life imprisonment. Nepal had established a Council on the Status of Women and Children as well as a Central Committee for the Protection of Children; regional committees had also been set up. Furthermore, it had ratified ILO Convention No. 138 on the minimum age in 1996 and, since 1995, ILO had been implementing a programme throughout the country to put an end to the exploitation of children.

12. Whereas the Convention on the Rights of the Child was the international instrument which had been ratified by the largest number of countries, it appeared that the exploitation of innocent children was continuing. Such exploitation had become a transboundary crime and national law enforcement agencies were often powerless to curb it. For that reason, the suggestions of the Special Rapporteur on the sale of children, child prostitution and child

pornography (E/CN.4/1997/95 and Add.1 and 2) concerning the extradition of offenders, judicial cooperation between the countries concerned and international cooperation should be carefully examined.

13. Mr. CHA (Republic of Korea) said that, although the Convention on the Rights of the Child had been ratified by an unprecedented number of States, millions of children around the world were still dying needlessly. The age-old scourges of hunger and disease were at present being compounded by sexual violence and armed conflicts. Unfortunately, the steps taken so far by the international community were inadequate and had had only a limited impact. For that reason it must ask what the tangible results of the World Summit for Children and its follow-up conferences had been; how were the declarations and programmes of action that had been adopted, including those of the Stockholm World Congress, being implemented; and did the international community's commitment to action on such issues match its rhetoric.

14. In times of war, children, more than any other group, were exposed to mental and physical traumatism, sexual exploitation and violence. As stated by Ms. Graça Machel, the independent expert appointed by the Secretary-General, in her study on the impact of armed conflict on children (A/51/306), children should be considered as constituting "zones of peace". She had rightly pointed out that "childhood is inviolate ... peace is every child's right". That most pressing of problems called for concerted and pragmatic action at both the national and international levels. The optional protocol to the Convention on the Rights of the Child concerning the involvement of children in armed conflicts should be adopted without delay. His delegation shared Ms. Machel's view that the protocol should also address the situation of children in non-governmental armed groups, since the number of casualties in internal conflicts had increased drastically over the previous few years.

15. Another area in which actions spoke louder than words was that of sexual violence and exploitation. His Government paid tribute to the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1997/95), as well as to the working group responsible for preparing an optional protocol on the matter. What was most important was that the protocol, once adopted, must be respected and implemented fully by all States parties. The Commission on the Status of Women, at its forty-first session held at New York the previous month, had paid particular attention to the question of the sexual exploitation of children and had adopted a resolution on traffic in women and girls which had done much to make the public and Governments more aware of the question.

16. The rights of the child could be protected and promoted only when the action taken by Governments were mirrored by civil society and reinforced through international cooperation. Children were humanity's future and radical solutions had to be found to protect them in diverse circumstances.

17. His Government had been heartened to note that an increasing number of services were being provided by voluntary organizations to care for children and that certain agencies had proved that, with dedication and a creative use of resources, it was possible to improve the lives of children. Such efforts should be made on a global basis.

18. Mr. BAUM (Germany) said that special efforts were required to safeguard children's rights in view of their particular vulnerability and need for protection. His Government therefore hoped that the negotiations on the draft optional protocols concerning children in armed conflict and the sale of children, child prostitution and child pornography would soon be concluded successfully. Since it was Germany's firm opinion that any participation by children in armed conflict could not be reconciled with the best interests of the child, it was seeking to have the minimum age for their direct and indirect participation raised to 18 years.

19. With a view to combating the sexual exploitation of children, his Government was developing a national strategy to follow up the recommendations of the Stockholm World Congress. That strategy attached high priority to legislative reforms. Since 1993, the possession of child pornography and any sexual abuse of children abroad had been criminal offences. Moreover, penalties for the sexual abuse of children in general were to be increased.

20. The Agenda for Action adopted at Stockholm emphasized that punitive action was not sufficient to eradicate individual pathological behaviour. For that reason, the ongoing reforms also aimed at improving the system of socio-medical and psychological treatment. Post-incarceration treatment programmes for child abusers would become compulsory. Another issue of the utmost importance was better protection for child victims. Draft legislation under discussion was designed to amend procedural rules in order to protect victims when testifying in criminal proceedings.

21. One of the most difficult areas was computer-based traffic in pornography. Since it was of a transboundary nature, his Government called upon all States to combine efforts with a view to finding solutions.

22. Legislation alone would not change society and dry up the demand that resulted in the sexual exploitation of children; public awareness was the best guardian of children's rights. For that reason, the German Minister of Foreign Affairs himself was heading a broad-based information and mobilization campaign. Training programmes for teachers and other persons legally responsible for children would continue under the Federal Ministry for Children's Affairs.

23. Since it was aware that precise information on children vulnerable to sexual exploitation and on their exploiters was lacking, his Government was supporting research activities in that area. In 1993 a national documentation centre had been inaugurated in Münster.

24. Given the complex nature of the problem, national strategies to combat the sexual exploitation of children had to bring together all segments of society and bear in mind that a solution was possible only through international cooperation. Immediately after the Stockholm Conference, the German Government had taken steps to improve cooperation between federal and State authorities and representatives of NGOs. It earnestly hoped that, as a follow-up to that Congress, the exchange of views on the measures initiated at the national level would also take place at the regional level, if possible as early as 1998.

25. As one of the main sponsors of the ILO programme aimed at curbing child labour, his Government welcomed the decision of 12 other countries to make considerable financial contributions to it.

26. Mrs. PEREZ (Brazil) said that, in order to guarantee the rights of the child in the developing countries, the necessary conditions should be created to enable families to provide for the basic needs of their children. She informed the Commission that, according to a survey conducted in 1996 by the Ministry of Health, the Brazilian Institute for Geography and Statistics and an NGO, with the support of UNICEF, UNDP and the United Nations Population Fund, Brazil had already attained most of the goals set by the 1990 World Summit for Children in respect of health, reduction of malnutrition, sanitation and primary education. It had been able to do so because of the stabilization of Brazil's economy. In the six main urban centres, the number of poor in the total population had declined from 33.4 per cent to 25.1 per cent in only two years. As a result, the level of food consumption had increased.

27. Education and health programmes were being decentralized in order to enable local communities to control the administration of public funds and to participate in decisions on their use. The President of the Republic had recently announced new measures to increase the autonomy of local communities in public health matters. The number of health community agents, whose effectiveness had been praised by UNICEF, would be increased from 44,000 to 100,000 by 1998. A community solidarity programme had been initiated to help the more needy municipal administrations to develop their own basic health, education and sanitation programmes. Its purpose was to coordinate available human and material resources and channel them into programmes that had a direct impact on child mortality, malnutrition and the improvement of the condition of children in especially difficult circumstances.

28. Brazil had supported the establishment of the working group on the elaboration of a draft optional protocol on the sale of children, child prostitution and child pornography, since it would give more detailed and precise content to articles 34 and 35 of the Convention on the Rights of the Child. The working group should be allowed to meet for a period of two weeks prior to the Commission's next session.

29. The future optional protocol should set guidelines for domestic legislation against the sexual exploitation of children and establish minimum standards for the treatment of child victims by law-enforcement agents and the judiciary and also envisage international cooperation at the judicial and administrative levels in order to ensure that perpetrators of sexual exploitation and the abuse of children would be punished regardless of limitations of territorial competence (art. 5 of the Convention against Torture should be used as an example), raising awareness and disseminating information about the dangers of child sexual exploitation and abuse, and the rehabilitation of child victims and eradication of the root causes of sexual exploitation, which were mainly poverty and ignorance.

30. The optional protocol should focus on the question of sexual exploitation, namely, child prostitution, child pornography, the sale of children for sexual purposes and sex tourism. The issue of illegal adoptions

was of a different nature, although it might in some cases be related to sexual exploitation, and should be dealt with in the framework of more appropriate legal instruments.

31. Although the question of trafficking in children was under consideration by the Commission on Crime Prevention and Criminal Justice, duplication should be avoided. In that connection she drew attention to the existence of regional instruments dealing with the subject, namely, the Inter-American Convention on the Illicit Trafficking of Children, to which Brazil was a party.

32. Although Brazil regretted that the scope and the conclusions of the World Congress against Commercial Sexual Exploitation of Children had been narrowed by the virtual exclusion of consideration of the key elements of the problem, namely, poverty, underdevelopment, social exclusion and unemployment, it considered that the Stockholm Declaration and Plan of Action constituted a positive contribution in efforts to curb child sexual exploitation and abuse. At Stockholm, the Brazilian delegation had submitted a document on measures taken at the domestic level to curb child prostitution. A national network to combat the sexual exploitation and abuse of children had been created in 1996 by Brazilian NGOs with the help of the Federal Government and UNICEF. Some of Brazil's State and municipal governments had developed plans of action to combat the sexual exploitation of children. In January 1997, President Cardoso had launched a national campaign, in which various public and private tourism bodies had participated, against the exploitation of child sex tourism. A toll-free hotline had been provided for public denunciation of child sexual exploitation.

33. The question of child labour was another source of concern since, in the developing countries, child labour was a matter of survival for many families. Consequently, it was not enough to prohibit that practice and realistic solutions had to be found to its underlying causes. For that reason, the Brazilian authorities were endeavouring to strengthen fiscalization in cooperation with workers' unions and providing a monthly allowance to families which agreed to send their children to school.

34. Mr. CHOWDHURY (Bangladesh) said that his country had been one of the first to ratify the Convention on the Rights of the Child. In 1994 it had adopted a national policy to coordinate and strengthen child development activities in accordance with the provisions of the Convention. Subsequently, in 1995, a Council had been established to promote children's welfare and had set in motion a plan of action with goals to be attained by the year 2000.

35. In the non-government sector, a body grouping 70 NGOs called the Bangladesh Child Rights Forum had been established in 1990. Its function was to build up awareness of children's rights, undertake research into key issues, and advocate the cause of children by focusing particularly on those who were disadvantaged and exploited. The authorities were cooperating closely with NGOs in areas such as education, health and nutrition. Many NGOs had thus become closely associated with EPI and other programmes.

36. During the previous decade, considerable attention had been paid to the survival and development of children and the well-being of mothers, and an

increasing proportion of resources had been diverted to the development of a primary health care network that included the provision of a safe water supply and sanitation. Sectoral efforts had been supplemented by strong social mobilization and public information, and a promotional character, Meena, had been created for use in videos and comic books to promote child health and education, especially for girls. Since the adoption of the World Declaration of Education for All, the Government had redoubled its efforts to provide basic education for all children and had declared its intention to eradicate illiteracy within 10 years. For that purpose, it was promoting primary education and non-formal education for unschooled children above primary school age. Since 1990, primary education had been compulsory and free up to grade V for all children and up to grade VI for girls, in order to encourage them to remain at school. As a result, the school enrolment rate had risen from 76 per cent in 1991 to 92 per cent in 1995, and gender disparities in primary school enrolment had virtually disappeared.

37. The protection of children against abandonment, neglect, economic exploitation, violence and other forms of abuse and the rehabilitation of those affected was receiving increased attention.

38. The private sector and specifically the Bangladesh Garment Manufacturers and Exporters Association were contributing actively to efforts to combat child labour. Since the signature of a memorandum of understanding between UNICEF, ILO and that association, over 9,000 children working in the textile industry had been placed in non-formal institutions set up by the NGOs and received scholarships to offset their loss of earnings.

39. Bangladesh noted with satisfaction that, in the context of the draft optional protocol on involvement of children in armed conflict, there was general agreement on the need to raise the age at which children could participate in hostilities to 18. Moreover, the age for voluntary recruitment should be fixed in such as way as to enable new recruits to have proper training before being sent to the front. Furthermore, it had been found in recent years that the problem of child involvement in armed conflict was most acute in the context of internal conflicts. For that reason, the enrolment of children in irregular formations should also be taken into consideration in the draft protocol.

40. As for the draft optional protocol on the sale of children, child prostitution and child pornography, Bangladesh considered that the same importance should be attached to each of those three aspect of the problem, which should be tackled from both the supply side as well as the demand side, and that the future regime should be based on the principle of the non-criminalization of children.

41. Mr. GOONETILLEKE (Sri Lanka) said he was pleased to note that near universality had been achieved in accessions to the Convention on the Right of the Child, the provisions of which had been incorporated in a National Charter and a Committee for monitoring the rights of children in his country. In August 1996, the Government had reviewed the measures adopted in the framework of the action programme launched in 1991 for the welfare of children; that review had drawn attention to the progress made in several areas and identified certain shortcomings due to the shortage of resources, the armed

conflict in the north and east of the country and terrorist attacks. The priority traditionally accorded to the well-being of children had resulted in Sri Lanka's having one of the lowest infant, child and maternal mortality rates among the developing countries and school enrolment of about 90 per cent. Nevertheless, the Government needed the support and cooperation of the international community in the field of child care.

42. His delegation supported the recommendations made by the Special Rapporteur on the sale of children, child prostitution and child pornography and hoped that her mandate would be extended so that she would be able to pay attention to other parts of the world where child prostitution and child pornography had raised their ugly heads. It was disturbing to note that those practices, as well as the sexual abuse of children, were increasing in Sri Lanka and called for urgent and concerted corrective action. The authorities had therefore recently enacted legislation to tighten existing laws against offenders and the President had appointed a Committee that had made a number of recommendations, under which a child protection authority was to be set up to take action in areas of law enforcement therapy, counselling and rehabilitation, and also to conduct public awareness programmes.

43. However, a durable solution to those problems could be found only by raising the levels of living of disadvantaged groups of the population. The extraterritorial dimension of the problem, namely, sex tourism originating in the rich countries, must also be taken into account. The Sri Lankan authorities had taken action to prosecute offenders and were cooperating fully with the countries concerned. International cooperation and understanding was essential to curtail both supply and demand, and in that connection his delegation was pleased to note that many developed countries were taking action to address the problem.

44. His delegation also welcomed the study prepared by the expert appointed by the Secretary-General on the impact of armed conflict on children, as well as the report of the open-ended intersessional working group to elaborate an optional protocol on the involvement of children in armed conflict, particularly as Sri Lanka itself was experiencing terrorism and an insurgency. Not content with bringing death and injury to countless women and children, LTTE did not scruple to abduct boys and girls from the age of 10 upward and train them in the use of weapons. His delegation called upon the international community to condemn that abominable practice unequivocally.

45. Mr. ZAHRAN (Egypt) drew attention to the unprecedented consensus reflected by the Convention on the Rights of the Child. Egypt, for its part, had embarked upon the task of protecting children well before the World Summit for Children, and a large number of its NGOs were caring for orphans and handicapped children. The Government had adopted legislation that, for example, prohibited the employment of children on dangerous work and fixed the minimum age at which a child could begin to work. It was elaborating plans and economic strategies to raise the level of living of families, since it was aware that many aspects of the problem of child labour were connected with poverty and the right to development. In that respect Egypt considered that the trade sanctions advocated by certain countries offered a superficial and dangerous solution, since the problem should be tackled gradually, by

combating poverty and at the same time promoting the schooling of children. His delegation congratulated ILO and UNESCO on the work they had done in collaboration with the developing countries.

46. Yet children were beset by many other dangers. Referring to the progress made by the working group to prepare a draft optional protocol on the sale of children, child prostitution and child pornography, he emphasized that the offences in question must be defined carefully so that any provisions adopted could be reflected in national criminal laws and eliminated any loopholes. As for the draft optional protocol on the involvement of children in armed conflicts, his delegation agreed with others that a minimum age should be fixed for recruitment, since that would render a service to future generations. The protocol should be as clear and concise as possible in order to avoid any differences of interpretation.

47. Lastly, recalling that, under the Convention, the best interests of the child were a primary consideration, he warned against the dangerous repercussions that the sanctions imposed on certain countries under Chapter 7 of the Charter of the United Nations could have for the disadvantaged segments of the population, and particularly for children. The Security Council should take the necessary steps to ensure that children were not the first victims of such sanctions.

48. Mr. ALEMU GETAHUN (Ethiopia) said that, in a country in which young people accounted for more than 50 per cent of the population, it was natural to give priority to the protection and promotion of the rights of children. Ethiopia therefore attached particular importance to the scrupulous respect of the Convention by all and would spare no effort in carrying out the suggestions and recommendations made by the Committee on the Rights of the Child.

49. For the purpose of monitoring the implementation of the Convention, committees on the rights of the child had been established at the national, regional and district levels, and a high-level ministerial committee under the Minister of Economic Development and Cooperation had been established. Moreover, various sectoral policies formulated by the Government played a pivotal role in its application. For example, under the 1993 health policy, special attention was paid to the health needs of women and children and, following the adoption of a national population policy, an Office of Population had been set up within the Office of the Prime Minister. The new education policy provided for free primary education and its goal was to raise the present enrolment rate of 23 per cent to 50 per cent by the year 2000. School curricula had been revised in order to take account of article 29 of the Convention, and primary education was already being provided in five of the country's languages in accordance with article 30. The Convention had been translated into eight nationality languages and copies had been distributed to the regions and all organizations and individuals concerned.

50. With a view to facilitating the effective implementation of the Convention, the Ethiopian Government, with the cooperation of international organizations and local and international NGOs, had organized various workshops, conferences and campaigns on street children and child prostitution, efforts to curb AIDS, traditional practices affecting the health

of women and children, with special emphasis on female genital mutilation, child abuse and neglect and the treatment of young delinquents.

51. Having experienced 30 years of civil war, Ethiopia wished to add its voice to the many nations calling for urgent action to assist the world's children affected by armed conflict, particularly in Africa where the humanitarian and political situation was steadily deteriorating. It therefore appreciated the progress made in drafting an optional protocol to strengthen the protection of children's rights in situations of armed conflict, and supported the proposal to raise the minimum age for recruitment into armed forces and participation in hostilities to 18.

52. Mrs. BU FIGUEROA (Observer for Honduras) emphasized that the promotion of children's rights could not be dissociated from efforts to curb the poverty that affected the development of the child in many ways, compromising his food security, proper education and moral integrity, as well as his possibility of participating in society. As a developing country which every day encountered difficulties of a social and economic nature, Honduras was committed under its Constitution to protect the rights of the family and the child. The National Congress had adopted a Code on Children and Adolescents, that was in conformity with the Convention on the Rights of the Child, under which the State and society assumed the obligation to create conditions likely to ensure recognition of the "inherent dignity ... of all members of the human family". The child was obviously part of the family and the family itself part of society.

53. Her Government had taken a number of measures to ensure respect for the rights of the child without distinction as to sex. International cooperation had made it possible to rehabilitate and equip centres providing care for children at risk and to delinquent women, and to draw up appropriate prevention programmes. Even since the adoption of the Code on Children, the problems of children in difficulty and those of young delinquents were dealt with separately. A programme of action and social protection had been developed in order to find alternatives - such as family allowances, scholarships and grants - to the placement of young persons in difficulty in institutions. The programmes for the protection of children's rights being implemented by the authorities were designed to preserve children's right to an identity and the family environment, provide a better understanding of the rights of the child among the various groups comprising society, to promote the evolution of mentalities at the level of the State, society and family, and ensure that those responsible for taking decisions and implementing social policies gave priority to measures that were in the interest of children.

54. Institutional reforms were also continuing in the framework of a comprehensive protection programme, introduced pursuant to an agreement concluded with UNICEF. That programme was focused on the following three areas: the creation of community centres for children and the family, substitute penalties for young delinquents, and the strengthening of institutions and the administration. Her Government was achieving tangible results owing to its determination and the support of national and international organizations - which indicated that the State, society and the family should combine their efforts in order to improve the situation of

children. Poverty and social violence could be curbed only if the physical, psychological and emotional development of the future generation was assured.

55. Ms. AHLUWALIA (International Federation of Red Cross and Red Crescent Societies) said that armed conflicts claimed many victims - particularly women and children - among the civilian population and caused large-scale population displacements. Children in refugee camps ran the risk of being separated from their families and were exposed to exploitation, including child prostitution. Children involved in armed conflict were often subjected to and forced to participate in beatings, rape, murder and sexual abuse, and ended up being killers themselves. The dehumanization process of children had to be reversed.

56. In the circumstances, the International Federation opposed the participation of children under the age of 18 in armed conflict and, through its 170 national societies and in close cooperation with ICRC, was militating in favour of the adoption of the draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflict.

57. The International Movement of Red Cross and Red Crescent, which comprised ICRC, the Red Cross and Red Crescent societies and their Federation had, in 1995, adopted a plan of action for the education and social rehabilitation of children affected by armed conflict. The national societies were undertaking structured alternative activities for children and youth, both of a remedial character and as alternatives to involvement in conflict. One example was the function of the Lebanese Red Cross First Aiders as a channel for the best use of youthful energies and capacities.

58. The International Federation was also taking steps to assist street children, abandoned children and unaccompanied and separated children by providing appropriate health care and social support. To that end, it would increase its cooperation with Governments, international organizations and NGOs.

59. In conclusion, she said that the international community should take urgent steps to ensure that the millions of children who were the innocent victims of armed conflict were able to enjoy all basic human rights.

60. Mrs. TINCOPA (Observer for Peru) said that her country, which had ratified the Convention on the Rights of the Child in 1990, had in 1995 adopted a Code on Children and Adolescents and embarked upon a national plan of action for children covering the period 1996-2000 which was designed to improve the situation of children, particularly in respect of health, education, nutrition and protection of their rights.

61. The Government had also drawn up, with UNICEF assistance, a national plan for the period 1996-2000 aimed at putting an end to child labour and protecting working adolescents. Since July 1996 Peru had been participating in the international programme for the abolition of child labour, drawn up by ILO.

62. Despite the difficulties it was encountering, the improvement of the situation of children and adolescents - a long-term task - was accorded pride of place in the Government's policy.

63. As for the involvement of children in armed conflict, the expert appointed by the Secretary-General to study the impact of armed conflict on children rightly emphasized in her report (A/51/306) that those mainly responsible for that practice were non-government armed groups. The draft optional protocol being prepared on the subject should take due account of that aspect.

64. The draft optional protocol concerning the sale of children, child prostitution and child pornography should cover all cases of the sale of children, regardless of their purpose, including adoption. The developed countries in which enterprises sold pornographic material involving children and organized sex tourism bore a heavy responsibility in that regard.

65. Lastly, referring to the draft resolution on the rights of the child (E/CN.4/1997/L.102), of which Peru was one of the sponsors, she said that her delegation was gratified by the way in which it tackled the problem of displaced children. Much remained to be done in that respect since the tragic fate of children displaced as a result of terrorist violence had not yet been dealt with appropriately.

66. Mr. BARTOLO (Observer for Malta) said that Ms. Machel, in her report on the impact of armed conflict on children (A/51/306), rightly emphasized that, in the interest of children, the international community should cease to impose economic sanctions without obligatory and humanitarian exceptions and agreed mechanisms for monitoring the impact of sanctions on children and other vulnerable groups. Such sanctions obviously caused resource shortages, disrupted the distribution of food, pharmaceuticals and sanitation supplies, and reduced the capacity of the public health system to maintain the quality of food, water, air and medicine. The Special Rapporteur added that the effects on children were much more harsh because they had much less resistance and were less likely to survive persistent shortages than those with power and influence who usually had ways of acquiring what they needed.

67. For that reason his delegation supported the recommendations of the Special Rapporteur that one of the primary considerations in preparing a programme of targeted sanctions should be to minimize its impact on vulnerable groups and particularly children, and that the Sanctions Committee of the Security Council should closely monitor the humanitarian impact of sanctions and amend them immediately if they were shown to cause undue suffering to children.

68. While adhering to the letter and spirit of sanctions imposed by the Security Council, his Government was of the view that the General Assembly should continue to discuss the whole question of sanctions under Chapter VII of the Charter in order to reach agreement on the following matters: what type of sanctions were the most effective, at what level should decisions to impose sanctions be taken, who was responsible for the renewal of sanctions, how long should they remain in force, and who would decide whether they were effective. In any event, his Government could not tolerate measures that

inflicted suffering on people, including women and children, while leaving the party against which they were primarily intended to continue with its policies.

69. Mr. LANGMAN (Observer for Australia), after urging the very few States which had not ratified the Convention on the Rights of the Child to do so, referred to the question of the sexual exploitation of children, particularly by organized criminal networks which engaged in cross-border trafficking in children. In Australia's opinion, the draft optional protocol concerning the sale of children, child prostitution and child pornography should focus on the need for appropriate criminal legislation so as to provide an effective solution to the problem of the sale of children for purposes of sexual exploitation. In that connection it welcomed the Declaration and Agenda for Action adopted by the Stockholm Congress against Commercial Sexual Exploitation of Children, whose implementation at the national and local level would be coordinated by the Commonwealth Department of Health and Family Services.

70. Referring to the question of child labour, he expressed the hope that ILO would, in 1999, adopt a new convention dealing with exploitative forms of child labour which, together with codes of conduct involving industry, international agencies and local communities, would help to eliminate the worst forms of child labour in the near term. In UNICEF's 1997 report on the state of the world's children it was emphasized that practical action must be taken immediately to curb such practices, which were completely unjustified. In that area, Governments had a key role to play at the national level in order to fully discharge the obligations they had assumed under the Convention on the Rights of the Child.

71. Australia was disappointed by the lack of progress made at the second session of the working group to prepare a draft optional protocol on the involvement of children in armed conflict. There was a pressing need to address the question of age limits for recruitment. His delegation therefore urged members of the Working Group to reach early agreement on a text that would ensure that appropriate legal protection was extended to the increasing number of children affected by such conflicts.

72. Mr. JAWAD (Observer for Iraq) said that only true international cooperation could save children from the scourge of war, poverty, illness, hunger and illiteracy. It was in that spirit that the Convention on the Rights of the Child had been adopted. Iraq had been a forerunner in providing care for children through the enactment of national legislation, the establishment of plans and programmes and the necessary steps to improve the lot of children.

73. Yet the situation of children had deteriorated dramatically owing to the unjust embargo imposed on Iraq whose disastrous effects on children had been condemned by the Executive Director of UNICEF, the Under-Secretary-General for Humanitarian Affairs and the Director of World Food Programme. The expert appointed by the Secretary-General to study the impact of armed conflict on children had emphasized in her report (A/51/306) that the international community should cease to impose comprehensive economic sanctions without obligatory and humanitarian exceptions and agreed mechanisms for monitoring

the impact of sanctions on children and other vulnerable groups. She had added that sanctions should be judged against the standards of universal human rights and particularly the rights of the child, and that the primary consideration must always be the potential human impact.

74. Furthermore, in its decision 1996/107, the Sub-Commission on Prevention of Discrimination and Protection of Minorities had expressed concern regarding documented information that children would still die, even after the agreement between Iraq and the United Nations on the implementation of Security Council resolution 1986 (1995), because the agreement did not meet the minimum needs of civilians, particularly in respect of food and medicine. It was worth mentioning in that connection that, between 1989 and 1997, infant mortality due to malnutrition had increased by 2,054 per cent.

75. Such sanctions should be regarded as a weapon of mass destruction and prohibited. His delegation hoped that the Commission would shoulder its responsibility by studying the impact of international sanctions on children and vulnerable groups.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

76. Mr. GOONETILLEKE (Sri Lanka) recalled that, on 3 April, the Reverend S.J. Emmanuel, Vicar General of Jaffna, had taken the floor on behalf of the International Peace Bureau whereas he was accredited not as a member of that organization but of Pax Christi International. In a letter dated 9 April, addressed to the Commission's Bureau, the International Peace Bureau had explained that, since Pax Christi International was a member organization, it had not been felt necessary to accredit the Reverend Emmanuel under the International Peace Bureau.

77. His delegation was unable to accept that argument since those two NGOs were listed separately among NGOs with consultative status. It therefore hoped that the Commission's Bureau would, in the light of its rules of procedure, determine whether an NGO had the right to authorize a person without proper accreditation to speak in its name before the Commission.

78. The CHAIRMAN said that the matter would be examined by the Bureau.

The meeting rose at 1.10 p.m.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1997/SR.60
18 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 60th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 14 April 1997, at 3 p.m.

Chairman: Mrs. BAUTISTA (Philippines)
(Vice-Chairman)

later: Mr. SOMOL (Czech Republic)
(Chairman)

CONTENTS

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD;

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.97-12277 (E)

CONTENTS (continued)

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY;

(c) PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY, AS WELL AS THE BASIC MEASURES NEEDED FOR THEIR PREVENTION AND ERADICATION (continued)

In the absence of Mr. Somol (Czech Republic), Mrs. Bautista (Philippines), Vice-Chairman, took the Chair.

The meeting was called to order at 3.20 p.m.

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD;

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY;

(c) PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY, AS WELL AS THE BASIC MEASURES NEEDED FOR THEIR PREVENTION AND ERADICATION

(agenda item 21) (continued) (E/CN.4/1997/93, 94, 95 and Add.1 and 2, 96 and 97; E/CN.4/1997/NGO/11; E/CN.4/Sub.2/1996/25 and Add.1; A/51/306 and Add.1 and 456)

1. Mr. ÁLVAREZ (Observer for Costa Rica) said that children under the age of 18 should be excluded from any kind of active participation in armed conflicts. The political will to prevent children's participation should override any legal arguments to the contrary, such as those put forward during the session of the working group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts.

2. The role of education in promoting and protecting human rights was widely recognized and providing children with military training or education that promoted hostility ran counter to those efforts. In 1949, Costa Rica had constitutionally abolished its army. Costa Rican children grew up in an atmosphere that completely excluded military training, with the result that peace and democracy flourished in the country.

3. His delegation supported the efforts of the working group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. International cooperation was essential for combating that evil, and international standards were urgently needed to regulate the mechanisms for its eradication.

4. He thus called upon the other delegations to join his own in showing the necessary political will to adopt those two protocols, which sought to enable the future generations to grow and develop in peace.

5. Ms. TIMBERLAKE (Joint United Nations Programme on HIV/AIDS) said that she was speaking also on behalf of the United Nations Children's Fund (UNICEF).

6. The four general principles of the Convention on the Rights of the Child - non-discrimination, the child's best interests, survival and development and children's participation - must be used to reduce the impact of the human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS) on children. Both children and adolescents must be protected from discrimination in access to the health care, information, education and the social support they needed to reduce their vulnerability to HIV infection, while those already infected must be protected from discrimination based on their health status.

7. There was a glaring gap in the data available on the incidence of infection as children grew into adolescence and on how, when and to what extent children and adolescents became infected through sexual activity, sexual abuse and exploitation and drug use. Governments must collect comprehensive data on HIV transmission among older children and adolescents and use them in implementing prevention and care programmes.

8. Three categories of children were affected by HIV/AIDS: those who were infected, those whose families were infected and those whose social environment made them vulnerable to infection. Children in the first category must be given access to treatment, counselling, education, recreation and social support and must be protected from discrimination. Governments must assist the families of children in the second category and provide alternative systems of care in the community for children who could not remain within the existing family structures.

9. With respect to the third category, denial of access to sexual and reproductive information and health services increased adolescents' vulnerability to HIV, while inadequate systems of protection from sexual and economic exploitation, drug abuse, violence, armed conflict and population displacements greatly increased the vulnerability of children. To help protect children from infection, Governments must give effect to the human rights necessary for children's informed, empowered and harmonious development.

10. Throughout 1997, UNAIDS would focus attention to how HIV/AIDS had changed the world for children; on what could be done to promote the rights of the child; and on how children could become vital participants in the collective response to the pandemic. She urged the Commission and other human rights bodies to join those efforts.

11. Mr. BOREL (International Committee of the Red Cross (ICRC)) said that the growing participation in armed conflicts of children under the age of 15 flagrantly violated international standards, including the Convention on the Rights of the Child. ICRC strongly supported the adoption of preventive and remedial measures in that regard, including the prohibition of the recruitment of children under 18.

12. In 1995, the Council of Delegates of the International Red Cross and Red Crescent Movement had adopted a resolution and endorsed a plan of action to end the participation of children under 18 in armed conflicts and to protect and assist child victims of such conflicts. At its twenty-sixth International Conference, the Movement had recommended that parties to conflicts should

refrain from arming children under 18 and should make every effort to ensure that children did not participate in hostilities. It had also called for the prosecution of anyone who recruited children under the age of 15.

13. The draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts must be harmonized with international humanitarian law and must not weaken the existing standards. It should prohibit all forms of participation, both direct and indirect, of children in armed conflicts, since experience had shown that it was hard to distinguish between direct and indirect participation and between voluntary and involuntary recruitment.

14. It was crucial that all parties to internal conflicts - including dissident forces - should be bound by the protocol. International humanitarian law imposed obligations on all combatants, including armed groups, without thereby giving them any legal status.

15. Only preventive action could improve the protection of children caught up in armed conflicts. Long-term solutions in the areas of education and rehabilitation were also necessary. The magnitude of the problem called for united efforts on the part of the entire international community.

16. Mr. BOOTHBY (Office of the United Nations High Commissioner for Refugees (UNHCR)) said that, even though most refugees were under the age of 18, refugee children and adolescents were often overlooked in policy-making and operations because of the threefold tendency to view refugees as an undifferentiated group, to see children and adolescents only in terms of their relationship of dependency with respect to adults and to neglect the needs and rights of adolescents.

17. To correct those problems, the UNHCR Policy on Refugee Children stipulated that actions must be tailored to the different needs and potentials of refugee children. Special attention must be paid to the child's right to a family, to education and to protection from exploitation and abuse. With respect to adolescent refugees, reproductive health, vocational training, life skills and income-generation opportunities were all key issues which must not be ignored.

18. In response to the report on the impact of armed conflict on children (A/51/306 and Add.1), UNHCR had drawn up an explicit child's rights, goal-oriented agenda for strengthening its capacity to protect children and adolescents from sexual exploitation and military recruitment, to meet the needs and uphold the rights of unaccompanied children and to help young refugees to return home.

19. Under that agenda, all UNHCR emergency teams would include community services and protection officers. In complex emergencies, community support teams would include education and child-adolescent welfare specialists. A number of senior child-adolescent adviser posts would be created in 1997 to assist in needs assessments, programme innovation and regional coordination of policies and programmes.

20. UNHCR was developing a comprehensive training programme on child-adolescent rights and developmental needs, and would carry out four major capacity-building exercises in 1997. Future emergency response budgets would include a line item for "rapid education", and a trust fund had been established for the strategic reorientation of programming for refugee children and adolescents.

21. In the area of human rights, UNHCR would continue to call for a ban on landmines and for a protocol to raise the minimum military recruitment age to 18. It supported the proposal to appoint a special representative of the Secretary-General on children and armed conflict, and would support the preparation of a code of conduct for humanitarian workers.

22. Mr. LASTCHENKO (Observer for Belgium), having endorsed the statement by the representative of the Netherlands on behalf of the European Union, said that his Government was deeply concerned about the ravages caused by landmines and, in June 1997, would hold an international conference at Brussels on the possibility of imposing a worldwide ban on such weapons.

23. The use of child soldiers should be condemned as vigorously as the use of mercenaries and his Government unequivocally advocated raising the minimum recruitment age and supported the principle of non-participation of children under 18 in armed conflicts. In that connection, it regretted that article 38 of the Convention on the Rights of the Child fell short of the standards contained in the most recent provisions of international humanitarian law.

24. The notorious cases of the children in Belgium who had been kidnapped, raped and murdered had outraged all sectors of Belgian society and had led to a call for stronger measures to protect children from such acts. The World Congress against Commercial Sexual Exploitation of Children, held at Stockholm, had clarified the scope of the problem and his Government supported the preparation of an international legal instrument that would reflect the Stockholm commitments by making the sexual exploitation of children a crime, providing for the prosecution and punishment of those responsible for such acts and protecting the victims. It hoped that the draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography would be speedily completed.

25. The most widespread and complex form of exploitation of children was child labour. Many of the tasks imposed on children were harmful to their well-being and development. The international community must develop a strategy to eradicate the most intolerable forms of child labour as soon as possible. His delegation thus welcomed the initiatives of the Governments of the Netherlands and Norway to host two international conferences on the problem, and hoped that the outcome would encourage the International Labour Organization (ILO) to complete the preparation of a new legal instrument banning all intolerable forms of child labour.

26. Mr. MAXIM (Observer for Romania) said that the diverse and complex situations described in the reports under consideration were alarming and required an urgent and integrated response by all States, as provided in

Commission resolution 1996/85. His delegation thus supported the urgent finalization of the two draft optional protocols to the Convention on the Rights of the Child.

27. His own country's experience had demonstrated the need not only for appropriate legislation, but also for effective governmental and non-governmental bodies to monitor, implement or support activities for the implementation of the Convention on the Rights of the Child. After adopting a legal and institutional framework on the rights of the child, his Government had taken immediate action to improve the situation of children, particularly those in especially difficult circumstances.

28. In 1995, the National Committee for the Protection of the Child had launched a National Plan of Action for Children that took a preventive and comprehensive approach to improving the situation of children, particularly street children, and to eliminating the sexual exploitation of children. It also provided for special educational and public health programmes aimed at consolidating families.

29. To prevent any aggravation of the situation of children in the context of accelerated economic reforms, the President of Romania had launched an appeal and a plan of action, to be implemented under the direct supervision of his office, to safeguard the rights of children.

30. Monsignor BERTELLO (Observer for the Holy See) said that Pope John Paul II and his predecessors had always emphasized that children must be treated with respect and had drawn attention to the fundamental role of the family in forming the child's character.

31. Although his delegation cautioned against the overhasty introduction of two draft protocols to the very new Convention on the Rights of the Child, it had no doubt that the Convention was an important instrument in the fight against such significant evils as paedophilia and prostitution.

32. It was regrettable that no consensus had been reached in the Working Group on the elaboration of a draft optional protocol on the involvement of children in armed conflicts, since his delegation was only too well aware of the psychological and social consequences of teaching the techniques of warfare to children. The political will must be found to determine the principles and contents of the protocol.

33. The Working Group on the elaboration of a draft optional protocol on the sale of children, child prostitution and child pornography had made a little progress, but he wondered if it was not asking too much to try to deal with all three of those subjects at the same time. Their complexity made it difficult to reach consensus, and he thought that the subjects and the relations between them could have been researched in greater depth beforehand.

34. His delegation was particularly concerned at the spread of sex tourism and of child pornography, on the Internet and elsewhere; activities that were degrading to mankind as a whole and should be criminalized. He hoped the

Commission would adopt a realistic resolution on the issue that took into account both the urgency of the problems and the time needed to grasp their complexities in full.

35. Mr. SCHONVELD (World Organization Against Torture) expressed his profound concern at the numbers of children from around the world who were tortured and abused in various different ways. He gave some examples from the Sudan, Honduras and Bahrain and urged all special rapporteurs, treaty bodies and relevant working groups to give special consideration to the situation of children, pointing out that, in high-risk situations, there was a tendency for children to be treated as if they were adults. He added that the Commission could learn from the successful working methods of the Committee on the Rights of the Child, which owed a lot to the participation of non-governmental organizations (NGOs).

36. Ms. POSTELNICU (International Federation of Women Lawyers) said that recent events in Belgium had highlighted the need to address the problem of the abduction of children, as well as the sale and trafficking of children, in the optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Her organization had, indeed, suggested that the word "abduction" should be included in the title of the protocol. Whereas the concept of a "sale" appeared in the Civil Code and trade law, the abduction of children was punishable under the Penal Code. Moreover, the abduction of children was more common than, and sometimes preceded, the sale of children. The abduction, sale and trafficking of children, referred to in article 35 of the Convention, should thus all be covered in the protocol, since they were the basis for the sexual exploitation of children.

37. Ms. AULA (Pax Christi International) said that, of all the threats faced by children involved in armed conflicts, none was more insidious than that posed by landmines. Children were especially vulnerable as they were less aware of the threat than adults and often had no way of knowing where mines had been laid. The only effective way to protect them from landmines, and from the new generation of laser weapons, was a total ban on the production, stockpiling and use of those weapons.

38. It was hypocritical for Governments such as those of Italy, France, Germany and the Russian Federation to assert that they were interested in protecting children in forums like the Commission, while they opposed a total ban and continued to produce and export landmines.

39. Her organization strongly supported the anti-war agenda of UNICEF and the adoption of an optional protocol to the Convention on the Rights of the Child which would raise the minimum age of recruitment into the armed forces from 15 to 18.

40. Ms. MOORE (International Save the Children Alliance) said that restrictions on movement, such as those imposed in the occupied territories of the West Bank and Gaza Strip, were qualitatively and quantitatively more harmful to children than to the rest of the community. As a result of such

restrictions, children's diets had deteriorated, there had been an increase in the use of child labour and schools had been closed, the most disadvantaged children being those who suffered the most.

41. There had been cases of children and babies dying because checkpoints blocked access to hospitals, and yet the plight of children had been largely ignored in the Commission's debate on the situation in the occupied territories. The situation and rights of children should pervade all the deliberations of the Commission and should be an explicit element in the mandates of all special rapporteurs.

42. Ms. BLOEM (World Federation of Methodist and Uniting Church Women), speaking also on behalf of 44 other non-governmental organizations,* said that, following the near-universal ratification of the Convention on the Rights of the Child and the commitments made to girl-children at the major United Nations world conferences, it was intolerable that blatant violations of the rights of girls should still be occurring.

43. Reports by UNICEF and the Working Group on Contemporary Forms of Slavery, as well as international press reports, showed that harmful traditional practices persisted. Practices such as trokosi, deuki and devadasi were based on superstition and always ended in girls being forced into prostitution. Other harmful traditional practices, such as son-preference or female genital mutilation, persisted because of ignorance and a fierce attachment to cultural identity. She drew attention to the recommendations in the Plan of Action for the Elimination of Traditional Practices affecting the Health of Women and Children (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1), and deplored the poor response by Governments thereto.

44. The NGOs she was representing wholeheartedly supported the Declaration and Agenda for Action of the First World Congress on the Commercial Sexual Exploitation of Children. Criminalization of the perpetrators and decriminalization of the victims was a sine qua non. They welcomed the initiatives taken by various Governments, but there was a need to harmonize laws, including the rules on gathering evidence and the age criteria of victims. Above all, national and international preventive programmes must be gender-sensitive; 90 per cent of the victims of child abuse were girls and boys and girls were affected in different ways by sexual exploitation and had different rehabilitation needs.

45. In the context of collecting gender-disaggregated data, they welcomed the excellent analysis of the Special Rapporteurs on violence against women and on the sale of children, child prostitution and child pornography and recommended that their mandates should be renewed and that the gender aspect should be taken into account in drafting the relevant optional protocol to the Convention on the Rights of the Child.

---

* The list of non-governmental organizations concerned appears as an annex to this summary record.

46. Girls were often trapped in a cycle of dreary domestic tasks that amounted to virtual slavery, commonly accompanied by sexual abuse and violence. The NGOs she represented therefore welcomed the proposal by the ILO for a new convention on the elimination of the most intolerable forms of child labour. They supported the conclusions of the excellent study on the impact of armed conflict on children by Ms. Graça Machel (A/51/306) and drew the Commission's attention in particular to the section on sexual exploitation and gender-based violence. They urged the Commission to defend the rights of girl-children, in particular their right to education, which was the surest way to change the world for the better.

47. Ms. BUWALDA (International Association for the Defence of Religious Liberty) said that thousands of children were employed in Indian brothels, many of whom were girls lured from their villages in Nepal and sold to brothel owners. They were mistreated and kept in conditions of virtual slavery, and, to get away, they had to work to pay off their purchase price, a process which could last indefinitely.

48. Similarly, thousands of girls from Myanmar had been trafficked into Thailand for prostitution. Again, escape was virtually impossible and the two Governments concerned appeared to be taking no action.

49. She urged the Governments of all the countries in question to prosecute all those involved in the trafficking of children for prostitution, concentrating on the corrupt officials who colluded in the practice, without criminalizing the victims but, instead, giving them the assistance they needed.

50. She called upon the Government of the Philippines to investigate the persecution of Father Shay Cullen, involving physical attacks, harassment and threats of deportation, because he had helped to track down notorious paedophiles and assisted in the prosecution of several people for the sexual exploitation of children.

51. The Commission should put pressure on countries that failed to take effective measures to deal with the commercial sexual exploitation of children and should urge all States to fulfil their obligations under the Convention on the Rights of the Child.

52. Mr. CUNNIAH (International Confederation of Free Trade Unions) said that, in the four years since the Commission had adopted the Programme of Action for the Elimination of the Exploitation of Child Labour, only five countries had provided information on the measures they had taken to implement the Programme. Seven years after it had been opened for signature, the Convention on the Rights of the Child had been ratified or acceded to by 187 Member States but, according to ILO figures, 250 million children were still working throughout the world. Thus, a Convention that had gained almost universal ratification was, paradoxically, the one that was most consistently violated. Ratification of a convention without implementation and enforcement measures was clearly meaningless.

53. Giving some examples of the real world of child labour, he said that, in November 1996, 13 primary school pupils had been killed and 19 others injured

in an explosion at an unlicensed fireworks factory in eastern China; hundreds of bonded child labourers in India were forced to work near furnaces with heat levels of up to 1,400 degrees Celsius and to carry molten glass, with the result that many became crippled; and a programme had recently been launched in Pakistan, with the participation of the International Football Federation (FIFA), to ensure that manufacturers stopped using child labour in the production of footballs.

54. His organization was supporting a global march against child labour in 1998 that was intended to focus the world's attention on the problem and the need for immediate action. It urged the Commission to call on Governments to set target dates for the elimination of all forms of child labour that were contrary to accepted international standards.

55. Mr. BANDIER (United Towns Agency for North-South Cooperation) said that a country not very far away from the conference room had recently seen graphic evidence of the fact that certain governmental authorities were not morally fitted to carry out their duties. There had been stupefying revelations of organized sex crimes, paedophile networks and protection provided to the criminals. In the wave of revulsion that had followed, the chief concerns had been to help the bereaved families and to ensure the protection of the physical and moral integrity of children.

56. A solution to the problem of child abuse must be sought not in a negative spirit of vengeance but through education, information and the protection of children, in a world where religion, morality and family cohesiveness were all being progressively eroded. His organization thus intended to develop an inventory of universal moral principles designed to give children a better understanding of contemporary problems and inspire them to work for a more healthy, supportive and balanced world in future. It also hoped to see the rape, torture and abuse of children declared a crime against humanity.

57. Ms. BRETT (Friends World Committee for Consultation (Quakers)) said that the active participation of children in armed conflict was not inevitable and a number of specific steps could be taken to reduce the likelihood of children becoming soldiers. Child participation in governmental armed forces could be avoided by establishing proper recruitment measures and the means to enforce them. The recruitment of children into armed opposition groups was, of course, harder to prevent. Nevertheless, by focusing on the children most at risk, it was easier to identify steps to reduce significantly the likelihood of child involvement.

58. Having listed a number of specific steps that could be taken, she said that many of them were equally applicable in situations where there were no government and opposition forces as such but a number of different armed groups. In all situations, but especially when children were being deliberately targeted for recruitment, the importance of active steps by Governments, international organizations and NGOs could not be overemphasized. A lack of response was tantamount to acquiescence. The adoption of a clear, unequivocal international standard establishing 18 years, rather than 15 years, as the minimum age for recruitment would be a great asset.

59. Mr. Somol (Czech Republic) took the Chair.

60. Ms. SILAWAL (World Peace Council) said that a child had a right to love and care, to a good education in a tolerant environment and to grow up, enter gainful employment and raise a family. Unfortunately, many children throughout the world were denied those rights, the worst violation of all being educating children to take life rather than sustain it.

61. In some countries, religion was being used to chain children to God's commands as interpreted by men to whom hatred alone was the basis of religion. Children in schools in Pakistan were trained in intolerant ideologies and in the use of weapons. In Afghanistan, children lived under the shadow of violence and girls were not allowed to go to school.

62. However distressing prostitution, child labour and the sale of children might be, they were less important than the wanton conversion of children into both perpetrators and victims of violence. The world community must thus put on notice the groups that trained children in the ideology of hatred and violence and the Governments that turned a blind eye to their activities.

63. Ms. MUNSHI (International Progress Organization) said that children in developing countries were increasingly being compelled to serve as breadwinners for their families and to forgo a normal childhood. The most contemptible form of such exploitation was the sale of children for bonded labour and prostitution. The practice was known to be widespread in Pakistan, yet the courts had been unable to provide redress, despite courageous efforts by human rights organizations and the media.

64. Economic necessity and the connivance of government officials were an integral part of the inhuman and degrading trafficking in girls, many of them imported from Bangladesh, Nepal and India. As in the western countries, the trade flourished to satiate the desires of those who had the capacity to pay and was thus linked to economic circumstances. The marriage of young girls against their wishes to wealthy but elderly men was also tantamount to prostitution.

65. It was the demand for services such as pornography, sale of children, paedophilia and sex tourism that must be tackled. Education and economic development might free some from such traumatic experiences, but for the large majority of such children, criminal sanctions against their oppressors were the only remedy. Modern legal systems had not been able to curb those evils and only, perhaps, a return to the barbaric punishments of the middle ages could provide the solution.

66. She therefore urged that a new protocol be adopted on the rights of the child detailing practical steps to educate both children and adults about the degradation of the human spirit inherent in the sale of children. That effort should be coupled with intensive research into legal systems in rich and poor countries alike to identify lacunae that permitted the perpetuation of such evils.

67. Mr. KHOLI (International Institute for Non-Aligned Studies) said that many poor children, both boys and girls, were living the most degrading

lifestyles out of economic necessity, particularly in South Asia. Rapid population growth and social and cultural norms that discriminated between boys and girls had created an environment for child abuse. The sale of children for purposes of begging, prostitution or labour was a practice that particularly afflicted the developing countries. Bonded children never knew any semblance of education and merely passed on their shackles to their offspring. The ILO estimated that nearly six million children in Pakistan were exposed to conditions bordering on those of slavery as a result of bonded labour.

68. Moreover, the resurgence of religious fundamentalism had motivated many parents to give their children up to the bondage of the mind. In Pakistani schools run by fundamentalists, children were routinely chained while being subjected to teaching quite divorced from modern educational precepts.

69. The recent events in Belgium, however, the exploitation of homeless children by their guardians in the United Kingdom and the action of paedophiles in Australia were all symptoms of a deep-rooted malaise that had no excuse in economic necessity but more to do with material satiation and the desire for new thrills. Exemplary punishment for the crime of child abuse thus appeared to be becoming a necessity.

70. The various summits and declarations devoted to the rights of the child had done little to stem those evils, and the adoption of yet another protocol on the rights of the child was unlikely to do so either. People in poor countries did not understand such protocols, while those in rich countries had legal systems that meted out moderate and reform-oriented punishment. In the meantime, child abuse continued. The whole force of the international community was needed to demand of Governments that legal structures be amended so that citizens found guilty of child abuse were treated like killers, for they killed what was most precious - the future of mankind.

71. Mr. COFFINIER (International Association of Educators for World Peace) said that his organization's experience in time and place had led to the conclusion that a well-rounded childhood with a wholesome exposure to truth, freedom and solidarity was an essential component of the search for peace.

72. It was unfortunate, therefore, that in Cuba, students were subjected to ideological indoctrination through the State system of education. Children's report cards chronicled not only their progress in school but also the extent of their ideological integration, a factor that determined whether they could enter influential fields such as sociology, education, journalism and law. A recent study showed that children from families that practised religion were excluded from the university and were even prevented from completing their secondary school education.

73. In rural areas, minors aged 11 to 15 years enrolled in village schools were forced to work and to reside in crowded camps promoting sexual promiscuity between teachers and students and in which sanitary conditions were far from adequate. Such treatment could lead to neurological and psychological disorders and the children were also exposed to toxic products such as fertilizers and herbicides.

74. Alongside the social apartheid fostered by the Cuban educational system, child prostitution was evolving out of economic necessity and in the service of sex tourism. The dignity of the human person must be fostered in children: they were not at the service of the State, it was rather the State that must serve children and their families.

75. Ms. LAROCHE (Transnational Radical Party) said that Burmese laws were incompatible with the standards and principles of the Convention on the Rights of the Child, especially with regard to the juvenile justice system. Children were also forcibly conscripted as front-line soldiers or used as forced labour, often experiencing extreme physical abuse. Only 10 per cent of the national budget went on the social sector as against 40 per cent on military expenditure. The Burmese authorities should implement the Convention, permit independent monitoring to avoid so-called misinformation from NGOs and allow the Special Rapporteur on the situation of human rights in Myanmar to visit the country, where he should pay particular attention to the situation of children.

76. China's low level of spending on education meant that most rural - and some urban - parents had to pay for their children's education, despite the legal position that nine years of basic education should be provided free of charge. Moreover, the number of children left outside the education system might be greater than official figures suggested. Without registration, children were not eligible for free education, yet many girls and several million migrant children were unregistered.

77. Meanwhile, some five million Chinese children worked, making up as much as 20 per cent of the workforce in some village enterprises. Her organization was also concerned about the enforcement of regulations relating to child labour and safety at work: enforcement officials sometimes benefited from the profits of enterprises, took bribes or believed that economic growth took priority over protecting workers. The Commission should urge China to implement the Convention and should adopt a resolution on the situation of human rights in China.

78. Ms. CAI Shen (All-China Women's Federation) said she was concerned that armed conflicts in certain regions seriously threatened the lives of children, and particularly those of girls and women. The forced prostitution and sexual exploitation of children persisted in many Western countries, purveyed by the mass media and the Internet. Society should be mobilized to impose strict bans on the sex trade and to clean up the mass media.

79. Her organization actively supported the Government's legislative and administrative bodies in formulating laws on the protection of women and children, including those on prohibiting child labour. China had already reached the immunization target set by the World Summit for Children. The child mortality rate was below average and the primary school enrolment rate was 98.7 per cent. She therefore was outraged at the total disregard for reality displayed by the previous speaker.

80. Ms. MOURAVIEFF-APOSTOL (International Federation of Social Workers) said that the seemingly undramatic article 7 of the Convention on the Rights of the Child required that a child should be registered, with the right from birth to

a name and the right to acquire a nationality. Horrendous psychosocial ills were inflicted on young combatants, but the problem was compounded if they had no legal identity: they could be enlisted, forcibly or otherwise, even under the low age of 15 currently envisaged as the minimum age permissible to take a direct part in hostilities.

81. The same applied to trafficking, prostitution and pornography involving children. Children without an identity were particularly vulnerable. Unregistered children fared badly in the field of child labour also, and she hoped that the proposed ILO convention on child labour would incorporate the issue.

82. As well as preventing such specific abuses, the right to a legal identity was crucial to giving a child access to health and social services, subsidized food schemes or education. An unregistered child was often denied a certificate on completing elementary school and was thus barred from secondary education. Later in life, he or she would find it difficult to marry or acquire a residence card. Unregistered children and their families were not included in national statistics and were therefore not taken into account in planning and policies. Life was a constant hurdle for such people and she urged Governments to ensure that there was universal birth registration in their countries.

83. Mr. PEREZ BERRIO (American Association of Jurists) said that, to protect the draft protocol to the Convention on the Rights of the Child from being watered down, the Commission's resolution on the subject should state clearly that international trafficking in children and sexual tourism involving children were international crimes, even in the face of real or presumed consent on the part of the child. Such trafficking included selling children for economic or sexual exploitation, fraudulent adoption or the removal of organs or other anatomical material; the promotion of the prostitution or corruption of children; and the use of children in the production of any form of pornographic material.

84. The extraction of organs and other anatomical material should figure in the protocol. The fact that it had not been proved to exist was no reason not to outlaw it. The resolution should also insist that trafficking in children for illegal international adoption was an international crime.

85. Recent events had shown that paedophilia was widespread and that paedophiles enjoyed virtual impunity, being considered mentally ill rather than criminal. Difficult as it might be to draw a precise line between the two, paedophiles should generally be taken to be responsible for their actions and pay the appropriate penalty. The draft protocol should therefore commit States to either punishing paedophiles severely or committing them to mental institutions if they were unfit to plead.

86. Lastly, his organization considered that the Working Group's mandate should be extended to include a complaints procedure before the Committee on the Rights of the Child.

87. Ms. HOUTAIN (International Movement for Fraternal Union Among Races and Peoples) said that, although Argentina had enjoyed 13 years of democracy

following 8 years of State terrorism, impunity for those responsible for human rights violations persisted, making nonsense of the principle of equality before the law and affecting relations between the State and civil society. Enforced disappearance had been a favoured method of repression at that time and children too had suffered. In some cases pregnant women had disappeared or a child had been taken with the parents, with the result that the identity of the whole family was removed.

88. Of the hundreds of children involved, the cases of only 58 had been cleared up and 31 had been reunited with their families. In an encouraging development, many young people who were doubtful of their origins were turning to the grandmothers of the Plaza de Mayo in a quest for their real identity. Other grandchildren were still living a lie, in contravention of article 8 of the Convention. The Commission should ensure that such a situation never occurred again.

89. Mr. ALBIZURES (Commission for the Defense of Human Rights in Central America (CODEHUCA)) said that despite political progress in Central America there had been no improvement in the daily life of its peoples, especially its children. Extreme poverty was widespread and not only constituted an obstacle to access to such basic rights as education, adequate food and health, but led to violence and even the killing of children. In Guatemala, 12 street children had been murdered in 1996 and left like rubbish in the streets. Poverty led other children to prostitution, to poorly paid work, to truancy, to flight from violent families and to crime.

90. Nicaragua's policy on poverty was to shut street children away and, if they broke the law, to place them in adult prisons, where they were exposed to every kind of abuse. A similar situation obtained in Honduras. One problem throughout Central America was the use by children of toxic inhalants - produced by multinational companies in the United States and Germany, where their use was prohibited - as a means of blotting out hunger, cold and misery.

91. CODEHUCA recognized that some Governments in the region had attempted to improve the legislation affecting children, but action had been half-hearted and specialists were agreed that children did not have proper access to justice. The force of the Convention was reduced by the fact that the Committee on the Rights of the Child could obtain information only from State party reports and could not receive complaints from one State against another or from individuals. A special rapporteur should be appointed to cover the whole issue of children.

92. Mr. ASHRAF (India), speaking in exercise of the right of reply, said that earlier in the day the Commission had heard a statement by the Federal Minister of Pakistan, who had once been the Prime Minister of Pakistan-occupied Jammu and Kashmir. That showed that the issue of self-determination for the Kashmiri people, constantly reiterated by Pakistan, was a mere cover for its territorial ambitions. There had been many appeals in the Commission that bilateral issues should be settled through bilateral dialogue and not be brought before the Commission for domestic and propaganda purposes. It was regrettable that such counsel was not heeded by Pakistan.

93. His Government totally rejected the allegations made by the Federal Minister and those contained in every Pakistani statement during the current session. Pakistan's record of human rights violations in its own territory and in territories under its illegal control was such that it faced centripetal forces that challenged its integrity.

94. Regardless of what might be stated by any representative of Pakistan, Jammu and Kashmir belonged legally and constitutionally to India. One third of the state had been occupied through aggression, but India could not accept anyone laying claim to any part of its territory. It was India that had taken the issue of Pakistani aggression in Jammu and Kashmir to the United Nations. The only unresolved issue was when that territory would be vacated.

95. Bilateral talks between India and Pakistan were currently under way and it was of the utmost importance that the atmosphere for those talks should not be allowed to deteriorate. While Pakistan's repeated attacks during the Commission's session had done little to encourage the creation of a favourable atmosphere, his Government continued to remain hopeful that there would be a meaningful and constructive dialogue.

96. Mr. KHAN (Pakistan), speaking in exercise of the right of reply, said he completely rejected the remarks by the representative of India. Every State had a sovereign right to designate its nominees to the Commission and it was unseemly on the part of the Indian delegation to suggest otherwise.

97. The Government of Pakistan was talking peace not war. While reiterating Pakistan's basic position on Jammu and Kashmir, the Federal Minister had outlined a possible approach to the solution of the dispute through a structured and sustained dialogue. Credible measures would, however, have to be taken to halt the continuing human rights violations in Jammu and Kashmir. Even as talks between the Foreign Secretaries were announced, India had escalated repression. Four Kashmiri activists had been extrajudicially killed in the previous month. Crackdowns and curfews continued and detainees languished in jails. The ICRC had been denied access to major interrogation centres.

98. Territory could change hands, but not the hearts and minds of the people. The norms of the right to self-determination had to be upheld in Jammu and Kashmir to determine the final status of that territory and to ensure a durable and credible peace.

99. He agreed with the Indian representative that an atmosphere conducive to talks was required, but the Indian delegation had been wrong to allege that Pakistan had harmed the spirit of the dialogue by bringing the question of self-determination for the Kashmiris before the Commission. The Jammu and Kashmir dispute was the central issue between the two countries. To resolve it, tension would have to be lowered by stopping gross violations of human rights. That was a consistent and reasonable position. India should not try to hide its crimes but should face them and seek its own salvation instead of vainly pointing the finger at Pakistan.

The meeting rose at 6 p.m.

Annex

List of non-governmental organizations sponsoring the statement by the World Federation of Methodist and Uniting Church Women, under agenda item 21

All India Women's Conference, Anti-Slavery International, Associated Country Women of the World, Asia-Pacific Women Law Development, Association for World Education, Change, Centre for Women's Global Leadership, CIMA (Concertación Interamericana de Mujeres Activistas por los Derechos Humanos), Defence for Children International, Education International, Global Alliance Against Trafficking in Women, Global Food and Nutrition Alliance, International Abolitionist Federation, Inter-African Committee on Traditional Practices affecting the Health of Women and Children, International Alliance of Women, International Baccalaureate Organization, International Council of Women, International Council of Jewish Women, International Council on Social Welfare, International Federation of Social Workers, International Movement ATD Fourth World, International Pen Women Writers Committee, International Women's Tribune Centre, ISIS-WICCE, Kenya Alliance for Advancement of Children, Lutheran World Federation, National Council of German Women's Organizations, National Council of Women in Canada, RIFFI Sweden (National Federation of International Immigrant Women Association), School Sisters of Notre Dame, Socialist International Women, Soroptimist International, Soroptimist International (UK), Women's International League for Peace and Freedom, Women's International Zionist Organization, Women of Reformed Judaism, Women's Rights Centre in Poland, World Conference on Religion and Peace, World Federation of Democratic Youth, World Federation of United Nations Associations, World Union of Catholic Women's Organizations, World Vision International, World Young Women's Christian Association, Zonta International.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1997/SR.61
18 June 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 61st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 14 April 1997, at 6 p.m.

Chairman: Mr. SOMOL (Czech Republic)

later: Mr. STROHAL (Austria)

CONTENTS

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD;

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY;

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.97-12763 (E)

CONTENTS (continued)

(c) PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY, AS WELL AS THE BASIC MEASURES NEEDED FOR THEIR PREVENTION AND ERADICATION (continued)

The meeting was called to order at 6.05 p.m.

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD;

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY;

(c) PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY, AS WELL AS THE BASIC MEASURES NEEDED FOR THEIR PREVENTION AND ERADICATION

(agenda item 21) (continued) (E/CN.4/1997/93, 94, 95 and Add.1-2, 96 and 97; A/51/306 and Add.1 and 456)

1. Mr. KONISHI (Japan) said that his Government attached great importance to the promotion and protection of the rights of children and believed that the massive support for the Convention on the Rights of the Child would help consolidate the international framework for the protection of children's rights. Despite recent efforts, however, many children were still living in exceptionally difficult conditions as a result of poverty, armed conflicts, sexual exploitation and exploitative child labour. In the light of the United Nations Decade for Human Rights Education, which had begun in 1995, and the forthcoming fiftieth anniversary of the Universal Declaration of Human Rights, he urged all Governments to consider children's rights as a matter of priority in any related human rights fora.

2. In accordance with the Convention, Japan had been reinforcing its international cooperation efforts to improve the situation of children in developing countries. Its bilateral cooperation focused on the construction of schools and the improvement of maternal and child health care and children's hospitals. Through the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO), Japan participated in campaigns for tackling tuberculosis, poliomyelitis and AIDS.

3. Several issues demanded the international community's urgent attention. First, Japan was seriously concerned about the effects that armed conflicts were having on children in many parts of the world. It was deplorable that children were sometimes used as soldiers or killed or injured by the indiscriminate use of anti-personnel landmines. At Japan's initiative, the Tokyo Conference on Anti-Personnel Landmines, the first international conference to address landmine-clearance issues in a comprehensive manner, had been convened in March 1997. The Conference participants had shown their commitment to reducing the number of mine victims and had adopted three guidelines, including one for the development of new technology for mine detection and removal and one for assistance to victims. He urged Governments and the relevant international organizations and non-governmental organizations (NGOs) to take steps to reduce the number of mine victims in accordance with those guidelines.

4. Japan supported the activities of the working group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts and hoped for an early agreement on the text being elaborated.

5. On the matter of exploitative child labour, Japan welcomed the state of the World's Children 1997 report published by UNICEF and the International Labour Organization (ILO) initiative towards drafting an instrument on the eradication of the most hazardous and exploitative forms of child labour. While child labour had its roots in poverty, poverty should not be used as a pretext. It was imperative to prevent exploitative child labour, and the primary responsibility for doing so lay with Governments.

6. He expressed his delegation's grave concern over the problems of the sale of children, child prostitution and child pornography, which were increasingly being conducted across national borders. Those urgent problems therefore had to be tackled at the international as well as national level. In that connection the World Congress against Commercial Sexual Exploitation of Children had played an important role in focusing international attention on the issue. In the wake of the Congress, the Government of Japan, in cooperation with the UNICEF office in Japan, was promoting a campaign to raise awareness of the issue of child prostitution, including sex tourism. Japan also intended to take an active part in combating sex tourism through effective implementation of national legislation as well as international cooperation. In Japan, it was illegal for travel agents to arrange "sex tours", and Japanese nationals committing offences with under-age children abroad were subject to punishment. He wished to emphasize the importance of strengthening the control and investigation of crimes under the laws and regulations in the country where an offence was committed, since it was difficult to punish offenders committing crimes abroad without sufficient evidence. His delegation also encouraged international cooperation to ensure the effective implementation of related national laws and regulations. Japan would continue to support the work of the working group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

7. In concluding, he commended the important role of the Committee on the Rights of the Child, international organizations such as UNICEF and the relevant NGOs in promoting the rights of the child.

8. Mr. Strohal (Austria) took the Chair.

9. Mr. LI Fan (China) said that the ratification of the Convention on the Rights of the Child by 187 countries within only a few years of its adoption reflected the common political will of those various countries for the protection of the rights of the child. He expressed appreciation for the efforts of the international community and of the United Nations and its specialized agencies in particular. Nevertheless, for reasons such as poverty, natural disasters, armed conflict and crimes against children, the rights of children were still being seriously violated in some parts of the world.

10. At the fifty-first session of the General Assembly, the Secretary-General had transmitted the report on the impact of armed conflict on children (A/51/306 and Add.1) prepared by Ms. Graça Machel, the expert appointed pursuant to General Assembly resolution 48/157 to undertake a study on the topic. The suffering caused to children by armed conflicts was well known to the international community, while the conflicts themselves were attributable to deep-rooted political and economic factors. While calling on the parties to armed conflicts to abide by international humanitarian law, the world community should reaffirm the principle of peaceful settlement of international disputes and oppose all manifestations of hegemonism and interference in other countries' internal affairs by force. He also wished to draw attention to the analysis in the expert's report on the injury to children's interests caused by economic sanctions.

11. Sale of children, child sex tourism, paedophilia and sexual harassment of children were abominable phenomena that reflected the moral degradation and perverse values of some people. Although they existed in various countries the demand came mainly from developed countries and the child victims were mostly from poor families in the developing countries. Regrettably, some countries did not have a well-developed system of jurisdiction for punishing such crimes, thus leaving loopholes for the criminals to exploit. He stressed the need to establish effective systems of jurisdiction and international legal cooperation to punish the criminals, on the one hand, and to strengthen international assistance and cooperation for the child victims on the other.

12. Referring to the drafting work on the two optional protocols to the Convention, in which China had participated constructively, he noted that divergent views existed on some issues due to differences in legal systems. That was inevitable, but he was convinced that political goodwill and full consultations with a responsible attitude of mutual understanding and respect would lead to success.

13. The Chinese Government regarded children as the future of the country and did its utmost to ensure their healthy growth. Its achievements in reducing child mortality rates and improving children's nutrition, hygiene and education were widely recognized. China had always treated the trafficking, abduction and sexual exploitation of children as serious crimes, for which it had established severe punishment. Recently-revised criminal legislation was more comprehensive and detailed in that regard. China not only attached great importance to the investigation and prosecution of such crimes but also conducted information campaigns concerning the relevant laws to mobilize society in combating them. The incidence of those crimes had been decreasing as a result. As for the elimination of child labour, the relevant Chinese law stipulated that children were free from economic exploitation. The hiring of minors under the age of 16 was prohibited, and employment of minors between 16 and 18 years of age was subject to specific regulations.

14. While reviewing its achievements, his Government was aware that the negative effects caused by its huge population, weak economic foundation and traditional backward ideas prevailing in some parts of the country meant that there was much room for improvement in its work concerning the rights of the child. It would continue to pay close attention to the problems still existing.

15. Mrs. REGAZZOLI (Argentina) said that her delegation had read with interest the report of the Special Rapporteur on the sale of children, child prostitution and child pornography, the report of the Chairman/Rapporteur of the working group on a draft optional protocol to the convention on the rights of the child, on the sale of children, child prostitution and child pornography, and the report of the Chairman/Rapporteur of the working group on a draft optional protocol to the Convention on the rights of the child on involvement of children in armed conflicts. In her delegation's view, the rights of the child should be analysed not as just another agenda item, but as a specific problem requiring solutions.

16. The framework for the realization of the rights of the child was composed principally of the 1993 Vienna Declaration and Programme of Action and the Convention on the Rights of the Child. Paragraph 48 of the Vienna Declaration had been ahead of its time in denouncing sexual exploitation in all forms, including sex tourism, a new form of slavery. Referring to the Convention, she said that her country had entered a reservation to article 38 regarding the minimum age for participation in armed conflicts. She hoped that the drafting of the optional protocol on involvement of children in armed conflicts would be concluded rapidly, and she urged the few States that had not yet ratified the Convention to do so as soon as possible.

17. A third element of the framework consisted in the recommendations of the World Congress against the Commercial Sexual Exploitation of Children, held at Stockholm in August 1996, which had highlighted the universal concern with the problem. In addition to the tragedy of the street children and the serious problems of social marginalization and poverty, the international traffic in children, child prostitution and child pornography were on the increase. The members of the international community therefore had to join forces to prevent and eradicate that social and moral cancer.

18. The World Congress held in Stockholm had also made it clear that all sexual abuse of boys or girls, even without commercial motives, must be classified as offences. For that reason, in October 1996 the Argentine Government had approved a research project on sexual exploitation of children and had assigned resources and specialized technical staff for its implementation. Her Government considered it vitally important for the proposed optional protocol on the sale of children, child prostitution and child pornography to be finalized and signed as soon as possible.

19. Children's right to an identity was protected by the Argentine legal system, which provided for increased penalties for abduction, concealment, suppression of identity and all offences relating to the traffic in children. As problems still existed, however, in 1992 the Department of Human and Social Rights of the Ministry of the Interior had established the National Commission for the Right to an Identity, which sought to locate abducted and disappeared children and children born of mothers unlawfully deprived of their liberty. Argentine legislation also established procedures and specific measures against violence in the family. In 1990, Argentina had become the first country in Latin America to meet the goals set at the World Summit for Children for the mid-1990s: over 80 per cent compulsory immunization coverage, the eradication of poliomyelitis, guarantees that at least 80 per cent of children under the age of two received adequate levels of vitamin A, and a reduction of severe malnutrition levels.

20. Mr. SMITH (United States of America) said that few issues affected the future of nations as directly as those involving children, yet children were among the least empowered people on the planet. Child labour was one of the most prominent children's rights issues. In addressing that subject, it was important that the Commission should maintain the distinction between all forms of child labour and the exploitation of child labour. Children who worked on family farms or in family-run businesses or who held part-time jobs after school benefited from the wages and experience they gained and contributed to their families' welfare.

21. Jobs which prevented children from attending school or which subjected them to hazardous conditions, however, were exploitative. Education was the key to a child's future, just as it was crucial to a nation's future. He questioned the judgement of nations where primary school attendance was not compulsory or State-provided or enforced.

22. Many of the estimated 250 million children between the ages of 5 and 14 who worked were compelled to do so, sometimes under appallingly cruel conditions and at wages so low as to be nearly non-existent. Children who worked needed protection from abuses and exploitative conditions, including overly long hours, exposure to harmful chemicals, crowded and unsanitary conditions and proximity to dangerous equipment. Short-term gain was the enemy of common sense and long-term planning. Children who were exposed to harmful conditions or victimized emotionally might not fully develop their mental and physical abilities, and they would later contribute little to their country's growth.

23. Progress was, however, being made. In Bangladesh two years earlier, the country's garment manufacturers had signed an agreement with UNICEF and ILO to take under-aged workers from their factories and place them in specially designed educational programmes. Over 285 such schools had been established and more were being created. Another positive example was in Pakistan, where UNICEF, ILO and Save the Children had combined with the sporting goods industry to help reduce child labour in the production of soccer balls. In Nepal, carpet manufacturers had joined the Rugmark Programme to ensure a child-labour-free product and to generate income for schools for child labourers. Such combinations of public and private sector initiatives indicated that where incentives and political will existed, solutions could be found to end abusive practices.

24. Armed conflicts trampled children's rights and often left children scarred for life. Yet there were increasing instances of war and civil insurrection in which boys no older than 12 were conscripted and sent into combat. For girls there was the horror of rape, an all-too-common adjunct of war and civil strife. The United States vigorously condemned all instances of rape, and even more the systematic practice of it as a weapon of war. He called on all nations to implement and enforce their obligations fully under the laws of armed conflict to protect non-combatants.

25. A third major concern was child prostitution and child pornography. Although his country was not yet a party to the Convention on the Rights of the Child, its legislation on those issues was among the strongest and most effective in the world. In the past few years alone, the federal Government

and individual States had enacted extensive legislation to fight child pornography, the sale of children for the purpose of sexual exploitation and sex crimes against children. The United States had also taken steps to prohibit the participation of its citizens in so-called sex tourism.

26. In conclusion, his country was playing an active role in seeking to hold nations accountable for their child labour practices and help them end such practices through multilateral institutions like the International Labour Organization. It would also continue to fight the sexual exploitation of children.

27. Ms. HERNANDEZ QUESADA (Cuba) said that the economic, political and social upheavals caused by adults in the world had serious consequences for the planet's young people. Traffic in children, child prostitution, physical and sexual abuse, paedophilia, child pornography, child labour, street children and other ills, together with increasingly high rates of infant mortality due to curable diseases and malnutrition, were the daily scenario for millions of children on all continents. Most of those children lived in the South and the most disadvantaged areas of the North, and their physical and intellectual development was limited to the barest of survivals.

28. Although a recent instrument, the Convention on the Rights of the Child, already had more than 180 States parties, and was incomparably superior to any other United Nations convention. With the approaching fiftieth anniversary of the Universal Declaration of Human Rights and the tenth anniversary of the Convention itself, she again urged the few States that had not ratified the Convention to do so.

29. United Nations work on the rights of the child, which was principally conducted by the Commission and its working groups and thematic mechanisms, required the joining of efforts and avoidance of the selective and opportunist approaches that often underlay such issues.

30. The progress made on the question of children in armed conflicts, together with the valuable contribution of Ms. Graça Machel, had been an important milestone in the work of the United Nations. The activities of the working group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts would shortly be coming to fruition, and Cuba would continue its efforts towards that goal. It would also continue its efforts in support of the working group on a draft optional protocol on the sale of children, child prostitution and child pornography, with a view to the achievement of a final text as soon as possible. Unlike other countries, Cuba had always felt that there was a need for such an instrument and welcomed the interest expressed by delegations from European and other developed countries. It was unfortunate that substantive work on the protocol had not begun until the hideous events in Europe the year before had been made public.

31. Despite the seriousness of the issue, however, there was a disturbing tendency in some countries to focus on the sexual exploitation of children as being the most serious problem affecting children. In fact, the implications of the sale of children went beyond mere sexual exploitation, as clearly indicated in article 35 of the Convention.

32. Her country's achievements in the fields of education and health were well known. All Cuban children were guaranteed a classroom and a teacher, and Cuba had the most favourable teacher-pupil ratio in the world. It had progressed from having 2 million illiterate or poorly-schooled inhabitants in 1959 to its current school enrolment rate of 97.5 per cent for children aged 6 to 14 years. Cuba also had 560,000 university graduates. As impressive were Cuba's achievements in the field of health. Despite the many difficulties besetting its health system, it had achieved an infant mortality rate of 7.9 per 1,000 live births in 1996.

33. To illustrate the obstacles encountered by Cuban medical personnel in maintaining such levels of scientific development she referred briefly to the effects of the United States blockade on the treatment of children with cancer. In 1996 Cuba had had to pay between $20 and 30 million above market prices to purchase medical supplies. Washington's economic war against the island even denied it the resources for saving the life of a child with cancer. In many cases the necessary supplies could not be obtained at all, for they were only produced in the United States, or with United States technologies, and were therefore inaccessible to Cuba because of the blockade. Despite titanic efforts on the part of the Cuban medical profession, deaths from cancer of children between one and four years of age had increased in 1995.

34. Children had rights, and it was essential for those rights to be enforced. She would conclude with a simple question: what moral right did a Government whose policy towards Cuba undermined medical assistance to children with cancer have to speak before the Commission?

35. Mr. TYSZKO (Observer for Poland) said that, despite the work of the Commission, the Committee on the Rights of the Child, UNICEF and the specialized agencies, the rights of children continued to be violated throught out the world. Children were among the first casualties of war and bore the main consequences of the breakdown of society and dislocation of families. Child soldiers, street children, child prostitution, child pornography, trafficking of children, sex tourism and paedophilia were examples of abuses of the right not only of children but of humanity as a whole. The mental trauma they produced led not only to psychologically-damaged adulthood but to a growing number of violations committed by children and young persons.

36. There was an urgent need for further international action. Work should concentrate not on additional instruments and mechanisms but on concrete business-oriented programmes like those of UNICEF and ILO designed to halt exploitation of child labour and to enable children to acquire literacy and other skills. An integrated approach by the international system should include elements such as early warning and prevention, protection and assistance, reconciliation in conflict situations and long-term development and lasting solutions. He hoped that the reform presented by the new Secretary-General would guide activities in that direction. A focused approach would avoid duplication of efforts, and cooperation and coordination would increase the effectiveness of individual initiatives.

37. Programmes should always be developed in terms of the child's position in society. Many of the institutions and mechanisms in the field of children's rights acted from above, when activities in that area should be concentrated at the family, school and local community levels. At the international level, the challenge was to establish conditions that enabled those activities to be implemented effectively and efficiently. Educational programmes fostering the development of moral qualities and capabilities were one of the strongest forces in protecting children from destructive behaviour and creating a harmonious society.

38. Mr. PFIRTER (Observer for Switzerland) said that the Convention on the Rights of the Child was the cornerstone of the system for the protection and promotion of children's rights, and the most universally accepted binding human rights instrument. He was pleased to inform the Commission that the Swiss Parliament had approved the ratification of the Convention in December 1996 and that the Convention had recently entered into force for Switzerland, which intended to work actively towards its implementation.

39. Violations of the most basic children's rights continued to be committed in the framework of armed conflicts. Ms. Graça Machel's final report on the impact of armed conflicts on children was deeply distressing. The report and its recommendations should guide the future work of United Nations bodies.

40. His country was somewhat disappointed at the modest results of the latest session of the working group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts. It was imperative for the efforts undertaken to continue and for children involved in armed conflicts to be protected through the age of 18. He referred in that connection to the resolution of the twenty-sixth International Conference of the Red Cross and Red Crescent which expressed support for the adoption of the draft optional protocol and recommended that parties to conflict take every feasible step to ensure that children under the age of 18 years did not take part in hostilities. His delegation urged the Commission to renew the working group's mandate and hoped that its work would come to fruition rapidly.

41. Switzerland had formally renounced the possession or use of anti-personnel landmines and was working actively at the international level for their complete prohibition. He drew States' attention to the urgency of prohibiting those weapons, whose main victims were civilians, especially children.

42. The World Congress against Commercial Sexual Exploitation of Children, held at Stockholm in August 1996, had raised public awareness of that shameful contemporary form of slavery. The optional protocol being prepared by the working group would be giving a legal binding form to some of the political commitments made at the Congress. At its most recent session, the progress of the working group had been slower than hoped. His delegation hoped that its work would lead rapidly to the adoption of a precise and effective legal instrument. To avoid duplication and achieve rapid results, the working group should focus on the sexual exploitation of children, on which basis its mandate should be renewed by the Commission.

43. The international community should make every effort to ensure respect for the basic rights of children in particularly vulnerable categories, including girls, children in detention, refugee or internally-displaced children, street children and child victims of the most serious forms of economic exploitation. Switzerland provided financial support for UNICEF's work on behalf of children. It also associated itself with the work of ILO directed towards the adoption of a new instrument for combating the most intolerable forms of child labour, and it had recently decided to provide financial support for ILO's International Programme on the Elimination of Child Labour (IPEC).

44. Mr. GUST (International Labour Organization) said that ILO's International Programme on the Elimination of Child Labour (IPEC), its chief operational instrument to help the estimated 250 million working children worldwide, was implementing more than 700 projects on child labour in over 40 countries in Asia, Africa and Latin America. Recognizing that action against child labour was primarily a national responsibility, IPEC was concentrating on strengthening national capabilities in four main areas of action: national policy-making and integrated programme development, focusing particularly on identified target groups demanding priority attention; legislative reform and the strengthening of law enforcement; research, data collection and analysis, and awareness-raising; and the mobilization of a broad social alliance of all the partners concerned. Increasingly, IPEC was focusing on the most intolerable forms of child labour which demanded immediate attention.

45. That concern had led the ILO Governing Body in 1996 to prepare new international standards on child labour. These new standards, in the form of a proposed convention, were scheduled for discussion at the 1998 session of the International Labour Conference with a view to their adoption in 1999. The proposed objective of the new standards was the immediate elimination of certain intolerable practices worldwide, namely: activities that were contrary to fundamental human rights, including bonded child labour and the use of children under slave-like conditions, in prostitution and in drug trafficking or the production of pornography; and activities that exposed children to particularly grave hazards to their safety and health; and activities that were performed under hazardous working conditions. The standards also called for a total prohibition of work by very young children and special protection for girls. The practical application of those standards would bring a new lease of liberty to millions of children in situations of extreme risk. The new standards would complement and reinforce the armoury of related ILO Conventions, including the Minimum Age Convention (No. 138) and the Forced Labour Convention (No. 29).

46. In working to eliminate child labour, ILO looked for essential motivation from the universal work of the United Nations, with which it shared a relationship of vigorous interaction. In formulating its activities IPEC kept in view the Programme of Action for the Elimination of the Exploitation of Child Labour, adopted by the Commission in resolution 1993/79, and ILO had been actively promoting the implementation of the United Nations Convention on the Rights of the Child.

47. In conclusion, he wished to add a word of encouragement based on ILO's experience as a specialized agency which was both a partner in the universal movement against child labour and also a field practitioner facing the realities of the problem in its member countries: the challenge was daunting, but events at all levels gave rise to a realistic hope that the campaign against child labour could indeed be won.

48. Mr. OYUGI (Observer for Kenya) said that the report of the expert appointed to undertake a study on the impact of armed conflict on children (A/51/306 and Add.1) and the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1997/95 and Add.1-2) were indispensable in the fight for the rights of the child. The recommendations made in those reports should be supported and, where necessary, implemented without hesitation.

49. It was encouraging to note that most States had ratified or acceded to the Convention on the Rights of the Child, but the international community must not relax its efforts. That was especially the case in view of the rise of more sophisticated channels of abuse, such as the use of the Internet for pornographic purposes. The use of high-tech methods by offenders was a development that must be tackled promptly before it got out of hand.

50. His delegation welcomed the report of the working group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts, and hoped that the instrument would be adopted and ratified or acceded to rapidly.

51. His Government was deeply committed to the welfare and safety of children and had promptly ratified the Convention on the Rights of the Child. Since then, it had set up a task force on the law relating to the child, composed of representatives from all government departments and agencies involved in implementing the Convention. It had also drafted a national policy paper to prepare a comprehensive bill on the rights of the child, and had undertaken a campaign to raise national public awareness of the need to eradicate traditional practices that discriminated against girls in particular and to improve access to and the quality of education for girls from poor households in both rural and urban areas.

52. His country was deeply concerned about the effects of the conflicts in the Great Lakes region, especially eastern Zaire, on innocent children, women and men. It stood firmly in support of finding a peaceful solution to that and other crises in the subregion. Children living in an environment characterized by unbridled violence and vengeance could only perpetrate the same vices later in adulthood, assuming they survived the brutalities of their environment.

53. Children's suffering was not limited to conflict situations. Unfortunately, both boys and girls were increasingly being sexually exploited for commercial purposes through well-organized national and international syndicates. In that regard, his Government was deeply concerned about child sex tourism, which was on the rise. As a tourist destination, Kenya wished to

underscore the importance of closer cooperation between countries in order to eradicate that and other illegal activities of a transnational nature which impinged on the rights of the child.

54. Ms. BISBIS (Observer for Morocco) said that the problem of the protection of children had never before arisen as seriously for the international community as in the late twentieth century. Exploitative child labour, children's suffering due to wars and armed conflicts, and the sale of children, child prostitution and child pornography were problems that arose in all countries, developed and developing. The adoption and ratification by 187 States of the Convention on the Rights of the Child had been a major achievement, but gaps in the existing provisions persisted. Her delegation therefore supported the draft optional protocol to the Convention on involvement of children in armed conflicts, which called in particular for the minimum age for compulsory recruitment into the armed forces to be raised from 15 to 18 years, and was participating actively in the efforts to finalize the draft protocol on the sale of children, child prostitution and child pornography.

55. When children's problems were considered in a broader perspective it became obvious that the disastrous effects of the economic and social marginalization of poor countries was preventing children from achieving their physical and mental potential, completing their studies and finding employment, and from thus becoming well-adjusted, economically productive and socially responsible adults.

56. As a country deeply committed to the precepts of Islam, the Kingdom of Morocco gave high priority to activities relating to children. Its legislation, based on Koranic law, provided children with the protection and conditions needed for their development and self-realization.

57. The Kingdom of Morocco had acceded to the Convention on the Rights of the Child in 1993 and had submitted its initial report to the Committee on the Rights of the Child at its thirteenth session, to the Committee's satisfaction. In addition, the King had decreed 25 May the National Day of the Child and had established a National Congress on the Rights of the Child to monitor compliance with the Convention. That body's main functions were to gather data on and assess the situation of children and to evaluate measures taken on behalf of children. It was also responsible for promoting the rights of children at the national, regional and international levels, helping to strengthen national policies for the protection of children and to enhance the effectiveness of action to implement the Convention, mobilizing funds for measures to improve the situation of children and establishing a computerized data bank on all aspects of the implementation of the Convention and of the Plan of Action adopted at the World Summit for Children.

58. Morocco had also prepared a National Plan of Action for the Survival, Protection and Development of Children. The main objectives of the Plan were to combat malnutrition, improve the school enrolment rate and provide special protection for children in difficult situations, such as orphans and disabled children. It also aimed at reducing inequalities between girls and boys in rural and urban areas and improving access to basic services for disadvantaged children. Morocco mobilized all means available to it for the purpose of

improving its children's health, an example of which was the increase in immunization coverage from 53 per cent before 1987 to 85 per cent in recent years.

59. She reiterated her country's support for the recommendations of the World Summit for Social Development and the Fourth World Conference on Women, in particular with regard to the girl child, and also emphasized the importance of the results of the Stockholm World Congress, which could serve as a basis for the two optional protocols currently in preparation.

60. Mr. WILLE (Observer for Norway) said that the rapid and widespread support gained by the Convention on the Rights of the Child was convincing testimony to the will to accord high political priority to children. Norway was concerned, however, at the large number of reservations entered by States parties which were contrary to the object and purpose of the Convention. Reservations of that kind undermined the inherent value of the Convention, and he called on all the States parties concerned to withdraw them as soon as possible.

61. The Committee on the Rights of the Child had become an international focal point for problems and solutions, and States parties must cooperate fully with the Committee and give priority to submitting comprehensive reports on time. He welcomed the Plan of Action of the High Commissioner for Human Rights to strengthen the implementation of the Convention, but stressed the need to increase assistance to the Committee through regular budgetary resources.

62. The intolerable and unacceptable situation of the millions of children caught up in armed conflicts had been clearly exemplified in the report to the General Assembly by the expert appointed by the Secretary-General. Norway had warmly welcomed the study, which documented the devastating effect of warfare on children, and looked forward to participating in follow-up of the report in the relevant forums.

63. Norway strongly supported the work of the working group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts, as well as that of the working group on the sale of children, child prostitution and child pornography. It also commended the work of the Special Rapporteur on the sale of children, child prostitution and child pornography, and had welcomed the holding of the World Congress against Commercial Sexual Exploitation of Children in Stockholm in August 1996. It was time to seize the opportunity to combat that phenomenon and adopt urgent measures to protect children from all forms of sexual abuse and exploitation.

64. The Amsterdam Child Labour Conference in February had placed the exploitation of child labour on the international agenda. To contribute to further progress in the fight against child labour, Norway would be convening an international conference on the matter in October 1997. The Convention on the Rights of the Child established basic international standards in that area. The challenge was to implement them. The main objective of the Oslo Conference was to identify national and international strategies for the eradication of child labour. Special focus would be placed on the role of

development cooperation and other forms of international collaboration. Norway welcomed the ILO initiative to draft a convention on the most intolerable forms of child labour, but warned against allowing any weakening of existing international standards. The Convention on the Rights of the Child continued to be the basic instrument for defending the rights of children, including their right to be protected from abuse and exploitation.

65. Mr. GALILEE (Observer for Israel) said that the ratification of the Convention on the Rights of the Child by 181 States had been a clear indication of a change in the perception of the rights of the child and of the universal commitment to protecting and enhancing children's rights. Israel was proud to be an active participant in that worldwide process, and could present major achievements in that area. First, there was increasing public awareness of phenomena such as child abuse, pornography and prostitution, and after years of collaboration a responsible and fruitful partnership had been developed with the media to ensure that such issues were reported with sensitivity and awareness. The second stage of Israel's achievements included taking responsibility for solving the problem. The Israeli Parliament, the Knesset, had as early as 1955 enacted legislation [illegible]sing minors who had been involved in sexual crimes from appearing in court. The Knesset also had an active lobby in the Children's Advocacy Committee, consisting of members of Parliament from across Israel's political spectrum, including Arab members. The Committee represented the consensus in Israel with regard to the protection of children, and was taking active measures to ensure implementation of that legislation.

66. To cope with the complexity of the task of protecting children, Israel had developed a comprehensive model utilizing a single umbrella body. The main focus in that comprehensive approach was always the child's best interests. It was natural to gear efforts towards aiding victims and punishing perpetrators. For any programme to be effective and helpful to children in the long run, however, it must contain an element of therapy for perpetrators, as emotionally disturbing and difficult as that might be. That assistance was in addition to, not in place of, a punitive approach. Thus services were offered to the entire family - victims, perpetrators, spouses, siblings and the extended family. Children also had easy access to a special ombudsman designated for them by the Ministry of Education, to whom they could submit complaints against schools and teachers, and an ombudsman for complaints of a general nature, including complaints against parents.

67. Like other countries of immigration, Israel faced typical problems of child protection in an immigrant environment. Legitimate patterns of child-rearing in one culture might be considered child abuse in another, and the frustration and aggression created by the immigration process were frequently directed at the weakest target - children. Millions of refugees in the world suffered from crisis-inspired cultural detachment. In the past few years Israel had absorbed hundreds of thousands of immigrants, who constituted 10 per cent of its total population. As a result it had become the world's largest laboratory for developing programmes to deal with the combination of immigration and child abuse. It was ready and willing to share that accumulated knowledge and experience with others.

68. Israel's cross-cultural experiences were also applied to members of sub-cultures and closed societies. It was proud of the work being done with Israeli Arabs. Together, Jews and Arabs had adapted intervention techniques to Arab cultural values and child-rearing patterns. Promising beginnings had been seen with Israel's neighbours, including the Palestinians. A conference entitled "Human Rights Education for Young Children", bringing together Israeli, Palestinian and other scholars, had been held by Israeli NGOs.

69. Israel was also involved in several programmes whose scope transcended the individual interest of the State. It had provided shelter to children and youths from conflict-ridden areas such as Bosnia-Croatia and victims of the Chernobyl nuclear disaster. Medical care was offered to whomever could benefit from Israel's medical facilities and expertise, and training was given by Israeli experts on a regular basis both in Israel and throughout the world.

70. Mr. BALL (Observer for New Zealand) said that his delegation wished to join others in welcoming the ratification of the Convention by 190 States and encouraged the few countries not having done so to ratify it in the near future.

71. New Zealand had become a party to the Convention in 1993 and had presented its initial report to the Committee on the Rights of the Child in January 1997. It had welcomed the opportunity to discuss the situation in New Zealand with the Committee, and appreciated the thorough alternative NGO submissions which had helped the New Zealand delegation and the Committee to have an informed discussion about the wide range of legislation and policies affecting children in the country. New Zealand had been pleased to be able to report on a number of key developments in the area of children's rights. Those included the appointment of a Commissioner for Children, the extension to children of protection under the Domestic Violence Act 1995 and the regular convening of a Youth Parliament. It had received the Committee's concluding observations and would be working with NGOs, children and young people and government agencies to give serious consideration to the recommendations and to ensure that work on implementing the Convention continued.

72. In addition to the important work being done by the Committee, New Zealand strongly supported the work of UNICEF and, reflecting that support, had increased its contribution to that agency's work by over a third since 1994. It had been pleased to be elected recently to the UNICEF Executive Board, and hoped to be actively involved in UNICEF's ongoing effort to streamline and focus its operations.

73. UNICEF's State of the World's Children 1997 report had contained a special section, entitled "Children at risk: Ending hazardous and exploitative child labour". The report set out in horrifying detail the range of situations in which children were subjected to economic exploitation. It explored carefully the range of issues raised in a study of child labour, noting in particular the importance of distinguishing between beneficial and intolerable work and examining the conditions which States parties to the Convention were required to ensure.

74. It was important to recognize the approaches open to States in fulfilling their obligations under the Convention, aside from the option of

establishing a minimum age for admission to employment. A mandatory minimum school-leaving age together with clear protection against exploitative and hazardous forms of child labour was an effective and practical approach in many situations.

75. Turning to a specific aspect of exploitation of children, he acknowledged the contribution of the work done at the first World Congress against Commercial Sexual Exploitation of Children. The Stockholm Declaration and Agenda for Action was also an important document providing sound guidance for States committed to the elimination of commercial sexual exploitation of children. His Government had begun follow-up activities to the Congress, including the preparation of a report on the implementation of the Agenda for Action.

76. New Zealand had been among the first countries in the world to enact laws providing for the prosecution of its own citizens and residents who committed child sex offences in other countries, or who facilitated the travel of others to do so. The effectiveness and enforceability of that legislation, however, very much depended on developing strong international cooperation. Police and customs officials throughout the world should be directly involved in efforts to combat that problem. His country would continue to participate actively in the work of the working group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. There remained a number of key issues to be resolved and he encouraged all participants to give them careful consideration before the next meeting.

77. New Zealand had also participated in the working group established by the Commission to develop an optional protocol dealing with children in armed conflict. It was disappointing that, despite the compelling guidance provided by the Machel report, it had not been possible to finalize an appropriate optional protocol at the working group's most recent session. New Zealand would continue to take an active role in the working group, as it had no doubt that a well-drafted instrument could play an important part in preventing the recruitment of child soldiers and their participation in hostilities.

78. Mr. MORJANE (Observer for Tunisia) said that the near-universal ratification of the Convention on the Rights of the Child was a response to the pressing need for protection of children as a vulnerable category of society, especially in view of the increase in degrading practices such as the use of children in armed conflicts and the sexual exploitation and sale of children. In that connection, he wished to pay a special tribute to the pioneering work of the Commission and of the Committee on the Rights of the Child.

79. He also wished to commend the Special Rapporteur on the sale of children, child prostitution and child pornography. His delegation endorsed the recommendations contained in her report, especially those on the importance of prevention in protecting children against abuse and on the role to be played by education and the media. The effective realization of children's rights throughout the world, however, required the eradication of the root causes of violations of those rights, including poverty, underdevelopment, civil strife and transnational organized crime.

80. The importance attached by Tunisia to the survival, protection and development of children had been a permanent feature of its human resource development policy since independence. The innovative activities that had taken place throughout the decade 1987-1997 had been consistent with the Convention on the Rights of the Child, which had been ratified and published in the Journal Officiel on 11 January 1992, and with the World Declaration on the Survival, Protection and Development of Children.

81. On the instructions and under the direct supervision of the Head of State, substantial reforms had taken place in the areas of basic education and maternal and child health. A National Council on Children, comprised of representatives of the relevant ministries, NGOs and experts, had been established. A study, research and documentation centre on young people and children had also been set up, together with a network of leisure centres for families and children. The new school curricula placed special emphasis on rationalism, openness and the promotion of human rights in general and of children's rights in particular. Tunisia had also made considerable efforts in the field of primary health care and preventive medicine, particularly maternal and child-health care, the extension of immunization coverage and the development of family planning services.

82. Increased attention to protection of children in Tunisia had led to the promulgation on 9 November 1995 of the Children's Protection Code. Among its objectives were the preparation of children for free and responsible lives on the basis of human rights, equity, tolerance and moderation, participation of children in all decisions affecting them and primary consideration for the best interests of the child in all measures concerning children taken by courts, administrative authorities and public or private social welfare agencies. In accordance with the Code, mechanisms had been established to protect children at risk and provide assistance to juvenile offenders. Concerning children at risk, a body of counsellors for the protection of children had been constituted in eight of the country's governorates. Juvenile magistrates had been appointed, children's courts had been set up and specialized advisors had been designated to assist those courts.

83. The dissemination of a children's rights culture was part of a consistent programme for both children and the family, aimed at making the public aware of the Convention, the Children's Protection Code and the National Plan of Action for the Implementation of the World Declaration on the Survival, Protection and Development of Children. As a follow-up to the provisions of those instruments, every year on 11 January, National Children's Day, a report on the situation of children was submitted to the Head of State.

84. The increase in degrading practices against children such as sexual exploitation and the use of children in armed conflicts required the strengthening of international institutions in those areas. For that reason, his country supported the work of the Commission's working groups on the draft optional protocols to the Convention, on involvement of children in armed conflicts and on the sale of children, child prostitution and child pornography.

85. Ms. SLESZYNSKA (Christian Democrat International) referred to the announcement by the Prime Minister of France on 13 March 1997 that the French Government would make protection of children against sexual and other abuse a national priority. Her organization commended the French Government for having made the protection of children and young people a matter of State, and did not doubt that the decision would be rapidly reflected in appropriate legislative, administrative and budgetary measures.

86. In some countries, obsolete legislation left children defenceless: their very lives were in their parents' hands. A particularly serious problem was female circumcision, which continued to be practised in certain Asian and African countries for religious reasons or in pursuance of age-old traditions. That inhuman practice must be firmly denounced and prosecuted.

87. Abuse of children of either sex was particularly shocking and disturbing when it came from persons who had authority over them: parents, teachers, clergymen or persons with political or governmental responsibilities. Until recently, church and school leaders had made efforts to protect paedophiles under the pretext of avoiding scandal. In some countries such cases were even tried in special courts. Such tolerance was unacceptable and must be firmly denounced and combated. Although paedophilia was an individual problem, there was no doubt that it was fostered by the widespread atmosphere of permissiveness in the developed countries. Unacceptable saturation levels were being reached, and if the international community wished to avoid the consequences, it needed the lucidity to identify the causes and the political will to combat them effectively.

88. Mr. GUPTA (Indian Council of Education) said that he would like to discuss the Programme of Action for the Elimination of the Exploitation of Child Labour with special reference to South Asia. In spite of all efforts at the international level, including the recommendations of the Vienna Declaration and Programme of Action and the work of the Commission at its fifty-second session, child labour in South Asia continued to increase - the consequence of the rapid growth of population, poverty, illiteracy and unemployment. Legislation banning child labour in South Asia was insufficient, and the Governments of the region needed to devise a comprehensive rehabilitation programme for children engaged in child labour. International organizations such as ILO and UNICEF should enhance their activities in collaboration with concerned Governments. The developed countries had a special role to play in assisting the developing countries, rather than imposing uniform labour standards that would cause the situation in South Asia to deteriorate even further.

89. His organization appreciated the special efforts of the Government of Bangladesh to eliminate the exploitation of child labour and hoped that other countries in South Asia would also start special drives and action programmes to combat that menace. He stressed the important role which NGOs could play in improving the condition of children, and urged all the Governments in South Asia to strengthen bilateral and multilateral cooperation through the United Nations programme of advisory services in the field of human rights and the ILO International Programme on the Elimination of Child Labour.

90. Mr. CURTOTTI (International League for Human Rights), speaking on behalf of the International League for Human Rights and the Human Rights Council of Australia, said that those organizations supported the adoption of a clear and effective optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts. In their view, the key task of the protocol was to raise minimum age standards for recruitment into armed forces and for participation in armed conflict. The age of 18 should be adopted as the minimum general standard for both those purposes.

91. The Convention on the Rights of the Child already provided for a minimum age of 15, which was all too frequently violated. According to UNICEF, child soldiers had numbered 200,000 in 1988 alone. The statement of the expert of the Secretary-General to the working group on involvement of children in armed conflicts had noted the futility of any draft protocol that did not address the issue of non-governmental armed forces. Girls faced even worse brutalization in that context, sometimes being forced to provide sexual services to other combatants. He therefore welcomed the inclusion of draft articles 1, 2.1 and 2.2 and particularly "new article A" and "new article D" in the draft protocol. Nevertheless, they were far from sufficient. Whether an individual was purporting to act on behalf of a legitimate Government or a non-governmental armed force, it was the fear of criminal sanctions that would be most effective in eliminating those practices. As the draft protocol stood, it would merely elaborate higher standards, when existing standards were being violated with impunity.

92. The recruitment of children for slaughter in battle or for sexual services or slave-like labour was undoubtedly an act that could be considered to meet the description of an international crime. He accordingly proposed that new article A should be expanded to provide that each State party would institute legislative measures imposing appropriately severe criminal sanctions against individuals who violated the draft protocol. It should also provide an obligation for all States themselves to try offenders or extradite them to another State prepared to undertake criminal prosecution. The draft protocol needed to make clear that breach of its standards would be treated by States parties, at least, as serious violations of the Geneva Conventions. He noted in that respect that the International Committee of the Red Cross included recruitment of children in the category of serious violations of international humanitarian law for the purposes of the draft statute of the International Criminal Court.

93. Notwithstanding his strongly held views on the proposals he had outlined, should it prove impossible to adopt them, he would support, as a first step, the inclusion in the draft protocol of the version of new article A found in paragraph 104 of the report of the working group, which required at least that States parties should take "legislative measures" in pursuit of the aims of the protocol. He was aware that political factors might detract from the expected outcome, and also of the need to ensure the early conclusion and widest possible ratification of the draft protocol. Nonetheless, he believed the points he had outlined represented the standard that should be sought.

94. The adoption of the protocol would also entail a responsiblity for the international community to provide new and innovative mechanisms for children, especially in situations of internal conflict. Many NGOs were already proposing the establishment of a special ombudsperson for children in extreme circumstances. However, the adoption of a clear and unambiguous optional protocol making it illegal for State and non-State armies to recruit boys and girls under the age of 18, for services of any kind, was an essential precondition to the practical measures that would have to be taken to supplement those imperative legal standards.

95. Ms. MACIAS (Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos) said that her organization condemned the violations of children's rights taking place in the Philippines. The Government of the Philippines had assumed a series of obligations and commitments to improve the situation of Filipino children. Those were contained in the National Plan of Action on behalf of children, adopted in 1990 after the ratification of the Convention on the Rights of the Child by the Philippines. The Philippines had also signed ILO Convention No. 138 on the minimum age for admission to employment.

96. Despite those good intentions, violations of the rights of Filipino children were continuing as a result of displacements of groups of people due to so-called "development projects" or to military operations by the Filipino army. Such displacements undermined a series of basic rights and especially affected the most vulnerable groups, women and children. Displacements conducted under the national medium-term development programme were estimated to have affected over 2.5 million of the 9.9 million poor people in the Manilla metropolitan area. In addition, a series of presidential decrees from the Marcos regime persisted under the Ramos administration; among other violations of human rights, the decrees could be used to justify arbitrary demolitions. Displacements due to the internal armed conflict also affected many vulnerable children. Most of them were the result of the Government's military campaigns against the forces of the Frente Moro de Liberación Nacional, the Frente Moro Islámico de Liberación, Abu Sayyaf or the Nuevo Ejército del Pueblo. The paramilitary forces, or "civil police", financed by the Government, played a fundamental role in such operations. President Ramos was continuing to ignore both United Nations and European Parliament resolutions calling for the dismantling of the Citizens Armed Forces Geographical Units, known internationally for their mass violations of human rights. If they emerged from conflict without physical injury, children then faced problems of malnutrition, psychological trauma and lack of schooling.

97. Sexual abuse of children had increased considerably in recent years despite steps taken by the Government. The displaced persons to whom she had referred earlier tarvelled to the cities, where they swelled the ranks of the urban poor. Nearly half of all Filipinos were living below the poverty line, a situation that gave many families no other choice than to prostitute their children. Many such abuses were perpetrated by foreigners in the country, a fact to which the Commission should give more serious attention. As for child labour, 60 per cent of the 3.7 million working children were exposed to

inhuman conditions in the workplace. She called on the Commission to monitor the situation closely and to arrange for a visit to the Philippines by the Special Rapporteur on the sale of children, child prostitution and child pornography.

98. Mr. ERMAKOV (Russian Federation) said that the Convention on the Rights of the Child was a most important instrument of policy with regard to children. Russia had ratified the Convention in 1990. It was particularly in favour of the earliest possible completion of the optional protocol on involvement of children in armed conflicts and was convinced that the age limit for compulsory and voluntary recruitment into armed forces should be no lower than 18 years.

99. Another important area of action with regard to children concerned the protection of children from sexual exploitation. His delegation welcomed the Declaration and Plan of Action adopted at the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996, and hoped that their implementation, including the adoption of legislation and law-enforcement measures at the national level, would give new impetus to the realization of the full range of children's rights. It took a similar view concerning the draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. The working group had prepared an initial draft but much remained to be done to harmonize differences in legal norms, law-enforcement practices and social and cultural conditions in various countries.

100. Russia was striving to implement the Vienna Declaration and Programme of Action, which stressed the importance of national and international efforts, especially under the aegis of UNICEF, to encourage respect for the rights of children to life, protection and development. It also welcomed the results of the latest world forums, the Cairo International Conference on Population and Development, the Copenhagen World Summit for Social Development and the Beijing World Conference on Women, whose recommendations it intended to implement.

101. His country was actively developing standards to ensure the rights of children. It had adopted basic legislation on the protection of citizens' health and occupational safety, and presidential decrees had been issued on providing assistance to families with children and on preventing lack of supervision of minors and juvenile delinquency. The new Penal Code contained provisions on the non-applicability of the death penalty to minors. To resolve the most urgent problems, the President had issued a decree establishing a presidential programme for the children of Russia, which gave particular assistance to disabled children and victims of the accident at the Chernobyl nuclear power plant. There was also a programme for gifted children and steps were being taken to establish a network of institutions providing preventive and rehabilitative services for children in difficult circumstances and to ensure social protection during the period of economic transition. The presidential decree outlined the National Plan of Action for children, which took into account the provisions of the Convention, the World Declaration on the Survival, Protection and Development of Children and the Russian Constitution. The effective implementation of such norms, however, was undermined by the economic crisis, the reduction of the standard of living of

the majority of the country's population and the weakening of the State health care and education infrastructure. Nevertheless, there was an understanding in Russian society of the importance of children's issues and of the need for urgent measures to address them.

102. Ms. RIVERO (Uruguay) said that her country had always been a strong defender of children's rights. It had submitted its initial report to the Committee on the Rights of the Child in 1996 and was currently revising its Children's Code and implementing policies to improve the situation of children in especially difficult circumstances. Helping children was an investment in the future, and no effort should be spared to ensure their comprehensive development. As education was the essential instrument for doing so, children should remain in the classroom as long as possible and should not be recruited into the armed forces before the age of 18. It was also essential to rehabilitate the victims of armed conflicts and to achieve the final elimination of anti-personnel landmines and other similar weapons.

103. The problems of the sale of children and all forms of exploitation and abuse should be approached comprehensively, in accordance with articles 34, 35 and 36 of the Convention on the Rights of the Child. The Commission must unequivocally and vigorously condemn all aspects relating to the abuse and sexual exploitation of children. Such phenomena must be eradicated, and efforts must also aim at reducing the harm they caused to children. Not only must those guilty of such offences be severely punished, but mechanisms must be established at the national and international levels to ensure that such acts never recurred.

104. Practical measures in the legislative, judicial, administrative and social fields were needed for the protection of children. She hoped in the not too distant future to see a draft resolution containing sections on matters such as cooperation in devising education and training mechanisms, the strengthening of children's physical, mental and spiritual health and the establishment of rehabilitation centres.

105. Mr. FERNANDEZ (Philippines) said that the Convention on the Rights of the Child provided the most fundamental protection for children, but would be effective only if it was widely disseminated, understood and implemented. As one of the first countries to ratify the Convention, the Philippines had taken the necessary steps to implement its obligations. It participated actively in the inter-sessional working groups on the draft optional protocols to the Convention and had established solid legislative and administrative foundations for upholding children's rights and promoting their well-being in a democratic framework. Child health, education, nutrition and welfare were continuing concerns of the Government, and a child rights centre under the Philippine Commission on Human Rights was investigating violations of children's rights and initiating legal action on their behalf.

106. Children with disabilities had the right to equal access to education and the highest attainable standards of physical and mental health. In that regard he urged Governments, concerned international organizations and United Nations agencies, including UNICEF, WHO, UNESCO and NGO partners, to conduct awareness-raising activities with a view to overcoming discrimination against children with disabilities. He encouraged the adoption of holistic

approaches towards the well-being of all children with disabilities, particularly children at highest risk, including refugees, displaced children, migrant children, children living in settings of violence and those living in disaster areas.

107. His delegation also recommended that the Committee on the Rights of the Child and the Special Rapporteur on the sale of children, child prostitution and child pornography should give attention to the special needs of children with disabilities and report thereon to the Commission at its fifty-fourth session.

108. Children were among the first victims of armed conflict. They were tortured, raped and often killed, and those who survived suffered immeasurable damage to their development. His delegation welcomed the report prepared by the expert of the Secretary-General appointed to undertake a study on the impact of armed conflict on children, and concurred with its recommendations. It would also like to thank the Special Rapporteur on the sale of children, child prostitution and child pornography for her report and hoped that her planned field visits to Latin America, Asia and Africa would broaden her insights into the gravity of those problems. His delegation noted with great concern the global problem of trafficking of children in its many forms and urged the Commission to continue to support the work of the Special Rapporteur.

109. His delegation also wished to express strong support for the Stockholm Declaration and Agenda for Action and joined the call for all States to comply with the commitments made at the World Congress. At the Child Labour Conference held in Amsterdam, there had been consensus on the need to eliminate the most intolerable forms of child labour, including slavery, trafficking, sexual exploitation and hazardous work. His delegation agreed with the UNICEF statement to the effect that hazardous child labour must be consigned to history in the same way as those other forms of slavery that it so closely resembled. The protection and promotion of the rights of children required political will, continued vigilance by concerned international organizations and NGOs and increased cooperation among all.

110. Mr. Somol (Czech Republic) resumed the Chair.

111. Ms. RAMLI (Malaysia) said that in many countries there were children who had to live in the streets coping daily with serious crime, pressure to use drugs, sexual exploitation and abuse. Many died of preventable diseases and malnutrition, others merely because they were caught in the middle of an armed conflict. Some faced conscription into the armed forces, torture, unjust punishment and imprisonment. Some worked long hours at jobs that were often damaging to their health with no rest or recreation. With all those problems it was fitting that the Commission should deliberate on agenda item 21, under which human rights could be promoted in a climate of cooperation and understanding rather than confrontation and suspicion. Her delegation joined in the call for those countries which had not yet done so to ratify the Convention on the Rights of the Child as soon as possible.

112. In order to bring about tangible progress, all discussions must be based on the realization that children's issues were inherently complex, for

children were in many ways utterly dependent on their parents or guardians and while the Convention upheld a number of basic rights, it did not encroach on the rights of parents and their primary responsibilities with regard to the upbringing and development of their children. Furthermore, the role of the community in a child's upbringing should not be confused with individual freedoms and the interest of the community as a whole, and issues concerning the rights of the child were inextricably linked to the socio-economic conditions of the community. In that connection, children's issues could not be separated from the issue of the family: economic, cultural and even political factors had conspired to ensure that the family was no longer the primary vehicle for socialization, protection and a means of comfort.

113. Although the incidence of child labour in her country was negligible, Malaysia took an interest in the question. Child labour was the denial of a future, but for destitute families trapped in the vicious cycle of poverty, it was often considered to be the only option. What made the problem so staggeringly difficult to resolve was that, within the current economic system of purchasing and sourcing globally, child labour unfortunately made perfect economic sense. Also unfortunately, the phenomenon had a historical antecedent. The vast changes in Asia were similar in many ways to the industrialization-consumerist process that Europe had experienced in the late nineteenth century. As societies had become wealthier and more concerned about their children, the exploitation of child labour had stopped. Yet that should not be an excuse for inaction. In that regard, her delegation believed that the solution to the problem did not lie in wholesale condemnation of countries and industries accused of child labour. Trade embargoes would only exacerbate the problem. What was needed was a multilateral approach to alleviate child labour that recognized the importance of the family as well as that of the community as a whole.

114. The phenomenon of child labour was not confined to the developing countries. In the developed countries, it existed at the low-technology end of industry, as in garment manufacture, the "sweat-shop" phenomenon. At the other end of the spectrum, children were often pressured to undertake tasks inappropriate for their age in order to make them succeed as fashion models, child actors and tennis players. That form of child labour was even less morally justifiable, given the absence of economic necessity.

115. Her delegation noted with interest the final report on the impact of armed conflict on children, the report of the Special Rapporteur on the sale of children, child prostitution and child pornography and the reports of the two working groups on the draft optional protocols to the Convention. It hoped that the final texts of the draft protocols would be agreed on soon. In connection with the draft optional protocol on involvement of children in armed conflicts, it hoped that the minimum age for participation in hostilities would be set at 18 years.

116. In conclusion, she called on all States to undertake, through the resolution to be adopted, their own national plans of action, comprising every possible measure to ensure that the rights of children prevailed throughout the world.

117. Mr. ROSALES DIAZ (Nicaragua) said that the UNICEF reports on the state of the world's children had described an alarming situation throughout the 1980s, marked by the death of a quarter of a million children every week due to preventable diseases, as well as execrable health conditions and an increase in malnutrition for millions of children throughout the world. In the developing world, external debt payments on average left only 12 per cent of Government spending for the primary health care. The commitment made by Nicaragua at the World Summit for Children in 1990 had also posed a major challenge due to the severe economic crisis the country had then been experiencing. Nevertheless, the country had made a strong economic recovery, which had made it possible to increase budgetary resources for education and health, although it had failed to improve social indicators, largely owing to the short- and medium-term consequences of structural adjustment. To meet the objectives defined by the World Summit, the National Commission for the Protection of Nicaraguan Youth, under the sponsorship of the President of the Republic and in coordination with the Nicaraguan Fund for Children and the Family, had prepared a draft Children's Code, which had been analysed extensively at the First National Conference on Children, Adolescents and Violence, held at Managua in August 1996. The Code was currently before the National Assembly for adoption.

118. In the last decade approximately 2 million children had died in wars and a further 4-5 million had been left physically handicapped. Some 5 million children were living in refugee camps and over 12 million had no home at all. Children suffering psychological trauma as a result of armed conflicts were estimated at 10 million. Two hundred thousand Nicaraguan children had been directly affected by the war fought on Nicaraguan soil in the past decade. In order for the motto "Nevermore" to become a reality, her country hoped that the working group on an optional protocol relating to children in armed conflicts would be able to adopt the draft protocol at its following session. Her country noted that only 1 per cent of the military expenditures of the industrialized world would be sufficient to eliminate malnutrition and improve health care and education for children throughout the world.

119. In recent years the disgraceful international traffic in children had been much in the public eye. As it had stated at the latest session of the working group preparing the optional protocol on the sale of children, child prostitution and child pornography, Nicaragua had appreciated the willingness of some delegations which had previously opposed an optional protocol to accept one. For the first time the working group had been able to reach a consensus on the need for such a protocol. That had been largely due to the mobilization of public opinion following the traumatic events that had occurred throughout 1996, and to the Stockholm World Congress against Commercial Sexual Exploitation of Children. She hoped that the international campaign and the change of atmosphere in the working group would enable it to complete its work by the year 2000. On the tenth anniversary of the World Summit for Children and at the threshold of the twenty-first century, the adoption of the protocol would be a compelling symbol. In that connection, she stressed the need for the protocol to establish measures of prevention and rehabilitation for child victims and to provide a precise definition of offences and penalties. It should also contain a clear definition of sex tourism and establish punishment for all involved, whether in countries of origin or in countries where the offences were committed. In keeping with

articles 34 and 35 of the Convention, the protocol should also encompass the traffic in children for illegal international adoptions, as well as traffic for the purposes of extraction and sale of children's organs.

120. Mr. QAZI (Pakistan) said that his country supported the efforts to elaborate draft optional protocols to the Convention on the Rights of the Child on involvement of children in armed conflicts and on the sale of children, child prostitution and child pornography, and was participating in the working groups established to achieve those goals. It commended the Special Rapporteur on the sale of children, child prostitution and child pornography and the expert of the Secretary-General appointed to undertake a study on the impact of armed conflict on children for their reports.

121. The population of Pakistan currently stood at 130 million, of whom nearly one third were children. The realization that children's issues would have to be addressed specifically rather than subsumed in general social and development programmes had led to a number of actions in recent years. Laws concerning children's rights had been strengthened and institutional mechanisms for protection of children's welfare established. Some of the most notable successes had been in the area of health: eradication of guinea worm disease, dramatically reduced measles-related deaths and near-universal salt iodization. However, much remained to be achieved. Most troubling was the slow progress in the critical areas of reducing malnutrition, providing clean water and sanitation and ensuring school attendance for all children. The gap between requirements and resources led to grave shortfalls in Pakistan's programmes on primary education, clean water and sanitation.

122. Pakistan had endeavoured to devise a strategy aimed at the optimal utilization of limited resources. A first priority was to build capacity to formulate and implement effective programmes. A well-trained and motivated pool of policy makers, administrators and service delivery personnel could make a considerable difference in maximizing returns from finite resources. The international community could help in those efforts by understanding the magnitude of the tasks and the complexity of the issues. He hoped that sustained efforts at the national level and stronger partnerships at the international level would lead to improvement in the situation. Efforts must be redoubled to achieve the goals set in Stockholm six years earlier.

123. Pakistan had signed the Convention on the Rights of the Child in 1990, had been one of the prime movers of the World Summit for Children and was a party to most ILO conventions relating to children. Like many countries in South Asia, it was confronted with the problem of child labour, which it was determined to eradicate, beginning with its most intolerable forms. The Constitution of the country forbade slavery in any form. In 1992, bonded labour for children and adults alike had been abolished through the Bonded Labour System (Abolition) Act. Pakistan had signed a Memorandum of Understanding with the International Labour Organization to eliminate bonded labour and prevent the abuse of child labour, and was actively cooperating with the International Programme for the Elimination of Child Labour (IPEC). One survey conducted jointly with IPEC had shown the child labour problem in Pakistan to be much smaller than previously thought.

124. A media campaign had begun to raise awareness of children's rights. The level of awareness in civil society and business circles was evidenced by the fact that the manufacturers of sporting and surgical goods in the industrial city of Sialkot had entered into a programme of action with ILO to eliminate child labour from Sialkot within 18 months. Inspections conducted to enforce the Employment of Children Act, 1991 had been on the increase, and had led to a large number of prosecutions and hundreds of convictions. The Ministry of Social Welfare had prepared a programme for the rehabilitation of child labourers, including centres providing children with free education, medical care, nutrition and vocational training. The Ministry of Health had launched an expanded programme of immunization aimed at tetanus, diphtheria, polio, tuberculosis, mumps, measles and rubella, and maternal and child health centres had been established at the sub-district level, to meet both post-natal and antenatal needs.

125. The Government of Prime Minister Nawaz Sharif was committed to ensuring school enrolment for every child between 6 and 12 years of age within 5 years and to achieving universal literacy in 15 years. Special attention was being paid to the education of girls. The Government was providing free land for establishing schools in rural areas to those interested in opening private schools and was bearing two thirds of the costs while the sponsors bore one third. Penal and criminal laws relating to children had also been amended, and the death sentence for children under 16 years of age had been abolished. Efforts were being focused on rehabilitating juvenile offenders as responsible members of society.

126. As long as the right to development continued to elude certain nations, there would be children forced to forsake education and recreation for work. He therefore called on the international community to view the problems of developing countries with understanding and to assist them in overcoming those problems.

127. Mr. MARBUN (Indonesia) said that his country had signed and ratified the Convention on the Rights of the Child eight years earlier and had since had the opportunity to work closely with the Committee on the Rights of the Child. His Government had established a National Action Plan to increase awareness of the Convention and to bring national legislation into line with its provisions and facilitate the implementation of administrative and social measures in a wide range of areas, including health, education and nutrition. To monitor progress in those areas, the Government had established 12 central indicators covering issues ranging from mortality and birth rate to nutritional intake.

128. Among Indonesia's most recent initiatives to improve child welfare was the implementation of a universal basic education programme targeted to achieve a minimum of 90 per cent school enrolment by the year 2003. To increase access to the programme for poor children, the Government had launched a national foster parent movement in May 1996 to encourage well-to-do people to contribute towards the education of underprivileged children. Efforts had also been made to improve children's health and well-being. In March 1997 the Government had launched a project to distribute free high-protein snacks to children in primary schools and Indonesia's Ministry of

Social Services and UNICEF officials had announced plans to create a Child Protection Institute. In addition, deliberations on a government bill to establish a juvenile court were currently under way in Indonesia's Parliament.

129. Indonesia was addressing a number of serious problems of great concern to the international community, such as the exploitation of child labour, the sexual exploitation of children and the protection of children affected by armed conflicts. His Government had, for example, established a national focal point to coordinate activities in the field of child labour and had taken measures to alleviate the underlying social problems, such as poverty, which led children to seek employment. In cooperation with ILO and UNICEF, the Government had conducted a national workshop on child labour in October 1996 with a view to ratifying ILO Convention No. 138 on the minimum age for admission to employment. As a member country of IPEC, Indonesia extended its appreciation to the donor countries supporting the programme. In that connection, on 13 March 1997 the Minister of Manpower of the Republic of Indonesia and the Director-General of ILO had signed a Memorandum of Understanding on the implementation of the IPEC Programme Document of 6 December 1991, aimed at the eventual elimination of child labour. Both parties recognized that attaining that objective required not only vigorous action by the Government but also the active involvement of employers, workers and non-governmental organizations.

130. Indonesia was also deeply concerned with issues relating to the sexual exploitation of children and fully supported efforts to complete a draft optional protocol to the Convention on the Rights of the Child and to provide effective measures for the prevention and eradication of the sale of children, child prostitution and child pornography. Finally, his delegation wished to express its appreciation for the work of the expert of the Secretary-General, whose report on the impact of armed conflict on children underscored the urgent need to act on their behalf.

The meeting rose at 9.05 p.m.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1997/SR.62
18 June 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 62nd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 14 April 1997, at 9 p.m.

Chairman: Mr. SOMOL (Czech Republic)

CONTENTS

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD;

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY;

(c) PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR;

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.97-12738 (E)

CONTENTS (continued)

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY, AS WELL AS THE BASIC MEASURES NEEDED FOR THEIR PREVENTION AND ERADICATION (continued)

THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE (continued)

FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS (continued)

DRAFTING OF A DECLARATION ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

The meeting was called to order at 9.05 p.m.

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD;

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY;

(c) PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY, AS WELL AS THE BASIC MEASURES NEEDED FOR THEIR PREVENTION AND ERADICATION

(agenda item 21) (continued) (E/CN.4/1997/93, 94, 95 and Add.1 and 2, 96 and 97; E/CN.4/Sub.2/1996/25 and Add.1; A/51/306 and Add.1, A/51/456)

1. Mrs. TUHOVCAKOVA (Observer for Slovakia) said that her delegation associated itself fully with the statement by the European Union, which reflected its priorities concerning the protection of children. The international community's interest in the issue was a matter for satisfaction and the results obtained by the working groups on the two optional protocols to the Convention on the Rights of the Child, the work of the Special Rapporteur on the sale of children, child prostitution and child pornography and the assistance provided to children in regions in conflict were important contributions to a legal framework for the realization of the rights of the child.

2. However, numerous practices harmful to children continued to exist and threatened their growth and development. The universal ratification of the Convention on the Rights of the Child was an essential condition for ensuring children's rights but it was not sufficient in itself. Governments must establish a suitable structure to prevent violations of children's rights. The Convention on the Rights of the Child did, however, guarantee the protection of children's rights in general terms and her delegation congratulated the working groups for the work on the optional protocols to the Convention.

3. Mr. SUAREZ (Observer for Venezuela) said that despite progress in recent years in the promotion and protection of the rights of children and the accession of a large number of States to the Convention on the Rights of the Child, serious problems remained to be solved. His Government shared the concern of the Committee on the Rights of the Child, which had stressed the adverse effects of economic and social problems on the situation of children. Venezuela was particularly sensitive to problems of unemployment and poverty as a result of the serious economic crisis it had experienced, to the detriment of the population in general and children in particular. His Government continued, however, to make efforts to meet its commitments under the Convention.

4. Social policies in education, health and nutrition in Venezuela gave special attention to children and young people, and special legislation had been enacted and government bodies established in that regard. Programmes had been implemented for mothers and babies, for day care and for abandoned children. Health and community education programmes promoted preventive care. Where education was concerned, family subsidies guaranteed that impoverished children had access to education, while pre-school coverage was being expanded in poor areas.

5. With reference to the work of the Committee on the Rights of the Child, his Government believed that efficiency in the submission and consideration of State party reports required States to submit their reports on time, and also required the Committee to consider them on time. The Venezuelan authorities were finalizing Venezuela's first report to the Committee, which would be submitted in the near future.

6. His delegation wished to associate itself with the work of the working group on an optional protocol on the sale of children, child prostitution and child pornography and hoped that it would result in more efficient protection of the children affected and their reintegration into society. It furthermore hoped that consultations on the impact of armed conflict on children would contribute to breaking the vicious circle of conflict, inequality and injustice. Lastly, it was satisfied with the results of the intensive negotiations on the draft resolution on the rights of the child. The reference in the draft to the sale of organs and the traffic in girls marked important progress in the study of the issue and should be kept in future resolutions.

7. Mr. BAHRAINI (Observer for the Islamic Republic of Iran) said that large numbers of children in the contemporary world were exposed daily to dangers that hampered their growth and development, while the institution of the family had become tremendously vulnerable. One of the critical areas of concern was the sexual exploitation of children, which had increasingly become a transnational crime. His country had been an active participant in the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996, and in the working group meetings to consider an additional optional protocol to the Convention on the Rights of the Child. For the working group to succeed, there was a need to address the root causes of the phenomenon, including deprivation compounded by poverty and economic constraints and underdevelopment. While poverty and illiteracy were the breeding grounds for the commercial sexual exploitation of children in some developing countries, the main factors in some developed countries were the deterioration of moral, ethical and family values coupled with insufficient and inefficient preventive measures, nationally and internationally.

8. The phenomenon did not exist in his country, thanks to a strong political will, the rich Islamic cultural heritage, strong family ties and legal measures against prostitution, corruption, alcoholism and substance abuse. Measures had also been taken to improve mother and child health and family planning methods, to raise the literacy rate from 47 per cent in 1974 to 78 per cent in 1994 and to close the gender gap in school attendance. The mass media also contributed to serving the best interests of children.

9. His Government believed that measures by the international community to combat the sale of children, child prostitution and child pornography should include punitive measures for offenders or their extradition, the cooperation of all countries with the Special Rapporteur on the sale of children, child prostitution and child pornography and international legal measures to restrict the negative impact of audiovisual and information services, including the Internet, in regard to the sale of children, child prostitution and child pornography.

10. Mr. GARNJANA-GOONCHORN (Observer for Thailand) said that while his delegation was at one with the aims and objectives of the Special Rapporteur on the sale of children, child prostitution and child pornography, it felt that her report had been blighted by misuse of statistics, especially in regard to the situation in Thailand. His Government was determined to eradicate child prostitution completely and the Thai Parliament had passed a tough new anti-prostitution law in 1996 increasing the penalties against child sex offenders, brothel owners, procurers and traffickers and introducing penalties for parents who sold their children into prostitution. Law enforcement measures included frequent raids on brothels and premises employing commercial sex workers. Efforts had been unrelenting in attacking the fundamental causes of child prostitution - poverty and ignorance. Compulsory schooling had been increased from six to nine years, vocational training was being provided in regions known to be sources of commercial sex workers so that vulnerable women and girls could remain in their villages and earn a living, and a number of public education programmes were encouraging a change in general attitudes towards prostitution.

11. The Thai Government did not deny that trafficking and exploitation of prostitution were among Thailand's most serious social problems. His delegation took strong exception, however, to the Special Rapporteur's presentation of statistics on adolescents engaged in prostitution in Thailand (E/CN.4/1997/95, para. 69). Those figures had been obtained from questionable sources and the claims made were simply absurd. Such unverified reporting undermined the credibility of the report. Authoritative sources such as the National Commission on Women's Affairs of Thailand estimated that there were 150,000 to 200,000 prostitutes in the country, while surveys conducted by independent non-governmental organizations such as the Thai Red Cross and Mahidol University had consistently put the number of child prostitutes at between 20,000 and 40,000. His delegation had therefore been obliged to withdraw its sponsorship of draft resolution E/CN.4/1997/L.34, entitled "Traffic in women and girls", because it could not associate itself with the amended version of operative paragraph 6.

12. Mr. EIBNER (Christian Solidarity International) said that on his recent missions to north and south Sudan he had obtained abundant evidence of gross and systematic abuse of the rights of children committed by the National Islamic Front regime as part of the transformation of the Sudan into a totalitarian Islamic State.

13. The abuses included the institution of chattel slavery. He and his colleagues had personally redeemed several hundred slaves between 1995 and 1997, although they were just a small fraction of those in captivity. The victim communities were the black Africans of Northern Bahr El Ghazal and

Southern Kordofan and the slave raids were organized by the National Islamic Front. He described the capture and selling of slaves, the labours imposed by their owners and the enforced change of cultural identity. Nothing had materialized from the Khartoum regime's widely publicized promises in 1996 to facilitate independent investigations into the practice of slavery, although the country's banned democratic opposition was actively encouraging Arabs and black Africans to work together for the return of slaves to their families.

14. His organization urged the High Commissioner for Human Rights to secure the release of all slaves whose location could be traced and to begin talks immediately with the International Committee of the Red Cross and UNICEF on the establishment of a child-slave tracing programme in the Sudan.

15. Mrs. SACKSTEIN (Defence for Children International) said that the first World Congress against Commercial Sexual Exploitation of Children in Stockholm in August 1996 had achieved the original partnership of a State, an intergovernmental organization and two networks of non-governmental organizations coupled with an action-oriented approach and a pluri-disciplinary orientation, as well as the participation of representatives both of the media and of children. A strong consensus to endeavour to put an end to the practice of commercial sexual exploitation of children had emerged from the Congress, and participating NGOs had already begun to disseminate its conclusions. The NGO focal point linked the activities arising out of the Congress with other major developments involving children's rights, such as the Machel study submitted to the Commission in March and the future ILO convention on intolerable forms of child labour. The mobilization of the international community around the Stockholm Congress was an established fact and a unique opportunity to reduce the sexual exploitation of children.

16. Mr. SANZ (Pax Romana) said that the suffering of children aroused particular emotion because of their vulnerability and their lack of responsibility for the circumstances. Children's rights were enforceable in international law under the 1989 Convention and it was incumbent on Governments and public institutions and supranational organizations to protect them. He mentioned in particular the violation of the principles contained in articles 11, 19, 32, 34, 37 and 40, the cruel and degrading treatment of children in Mexico and Colombia and the unjust imprisonment of minors in Israel, Bahrain and China. The facts were in direct contradiction with the principles which those States, in ratifying the Convention, had officially undertaken to defend. According to data furnished by UNICEF, over 73 million children were employed in forced and illegal labour and deprived of education. Child prostitution was increasing because it allowed adults to abuse children's vulnerability; it affected all countries, either as providers of customers or as providers of victims.

17. Another subject of concern was the easy access to child pornography throughout Europe. States should take the necessary measures to close the international networks which disseminated pornographic material. With reference to international adoption, which the Convention advocated as a solution for unprotected children, the failure of States to comply with their obligation of keeping a register of births was a major obstacle that obscured cases of the abduction and sale of children. Countries which had still not

ratified the Convention included the United States of America, despite its insistence on the inclusion of its proposals in the draft optional protocol on involvement of children in armed conflict. His organization considered that the time had come for the Commission to adopt the final text of the optional protocol to prohibit children under 18 from taking part in hostilities, prohibit non-governmental militias from recruiting children under 18 and prohibit the recruitment of children under 18 as volunteers into the armed forces.

18. Ms. SARMIENTO (Philippines), speaking in exercise of the right of reply, said that the statement by the Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos was grossly exaggerated. Like many other countries, the Philippines were confronted with the menace of trafficking in children and child prostitution. However, the Government was addressing the problem and those found guilty of child abuse and exploitation were prosecuted. The Philippines had solid legislative and administrative bases for upholding the rights of children and for promoting their well-being in a democratic framework. Mention had also been made of human rights violations by the Philippine army against Muslim Filipinos. The NGO speaker had clearly been unaware of the peace agreement signed recently by the Government and the Moro National Liberation Front which, it was hoped, would herald an era of peace, stability and progress in the southern Philippines.

19. The CHAIRMAN announced that the general debate on agenda item 21 had thus been concluded.

THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE (agenda item 23) (continued) (E/CN.4/1997/99; E/CN.4/1997/NGO/1, 39 and 81)

20. Mr. MONOD (War Resisters International) said that since the adoption by consensus of the Commission's resolution on conscientious objection in 1987, the constitutions of several countries recognized the right to refuse to perform military service for religious or ethical reasons and made provision for an alternative service. In some countries, civilian service was one and a half times or twice as long as military service. In others, the law provided for a civilian service organized by the army which was twice the length of the military service and of a punitive nature, something that ran counter to the spirit of the Commission's resolution. Regulatory instruments were urgently needed in countries like Belarus and Russia where conscientious objectors remained under the threat of arrest. It was desirable that the right to refuse military service should be recognized and that a civilian service not organized by the army should be introduced for objectors; civilian service should not reproduce the lifestyle of the army. In still other countries, the right to conscientious objection and civilian service was not recognized.

21. There was an urgent need for countries which had adopted by consensus Commission resolution 1995/83 on conscientious objection to take the necessary steps towards its implementation by modifying their constitutions. In order to encourage Governments to take such action, his organization suggested submitting the resolution for readoption in 1997. Conscientious objectors deserved the Commission's full support in the struggle for a world without weapons.

22. Ms. BRETT (Friends World Committee for Consultation), speaking on behalf of the Friends World Committee and Amnesty International, said that the right to conscientious objection to military service was not marginal to international human rights protection and promotion but a basic component of the right to freedom of thought, conscience and religion. Bodies such as the Commission on Human Rights, the Human Rights Committee, the Council of Europe and the European Parliament had urged Governments to guarantee that individuals objecting to compulsory military service were given the opportunity to perform alternative service of a genuine civilian character and had recommended that they should be permitted to register as conscientious objectors at any time before conscription, after call-up papers had been issued or during military service. On 15 April, Amnesty International would launch its campaign on the right to conscientious objection to military service in Europe with a view to achieving greater familiarity with and wider implementation of international and regional standards in that continent; the supporting material for the campaign highlighted concerns in 22 European countries.

23. The failure to provide for the exercise of the right of conscientious objection to military service was not limited to Europe. Her organization and Amnesty International therefore called for the immediate and unconditional release of all persons detained or imprisoned because they had been refused the right to register their conscientious objection to military service or to perform a genuine alternative service of non-punitive length and of a purely civilian character, and urged all States to re-examine their legislation and practices in relation to conscientious objection to military service in order to ensure full compliance with Commission resolution 1995/83.

24. Mrs. SRIVASTAVA (Indian Council of Education) said that her organization supported Commission on Human Rights resolution 1995/83 appealing to all States to enact legislation and take measures aimed at exemption from military service on the basis of conscientious objection. The right to refuse military service for reasons of conscience was inherent in the concept of freedom of thought, conscience and religion as set out in the Universal Declaration of Human Rights and recognized by a number of States which had introduced alternative service of a non-combatant or civilian nature.

25. The Commission on Human Rights had taken up the question of conscientious objection to military service as early as 1971. While there had always been general agreement regarding an individual's duty towards his country and its treaty obligations, there had also been a difference of opinion concerning the desirability of permitting any exception to bearing arms for active military service on grounds such as conscientious objection, religious belief or moral conviction. The criteria for granting conscientious objector status in the United States, however, had broadened gradually from the First World War up to the Viet Nam War resistance movement and the concept had gained respectability.

26. In the recent past there had been many instances of conscientious objection to military service in the United States and in several European countries. Her organization considered that, far from encouraging disobedience, such developments were positive checks on the undiscerning use of force against political opponents. Military service should be voluntary

and efforts for its retention must be supported by economic incentives. Her organization suggested that the minimum age for State recruitment to the military should be 20 years and that the State should recognize the citizen's right to conscientious objection for reasons of conscience or profound conviction and should act impartially on clear and well-defined grounds.

27. The CHAIRMAN announced that the general debate on agenda item 23 had thus been concluded.

FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 22) (continued) (E/CN.4/1997/3, E/CN.4/1997/98 and Add.1 and Corr.1; E/CN.4/1997/NGO/34)

28. Mr. VASSYLENKO (Ukraine) said that the World Conference on Human Rights had stressed the need to link the forthcoming fiftieth anniversary of the Universal Declaration of Human Rights with the five-year review of the Vienna Declaration and Programme of Action in order to evaluate the progress made in defending human rights. Such an evaluation should include a thorough analysis of achievements as well as of remaining obstacles.

29. His delegation commended the efforts of the United Nations High Commissioner for Human Rights as reflected in his report (E/CN.4/1997/98), which contained a clear picture and an overall vision of the further development of the United Nations human rights programme based on the recommendations of the World Conference concerning human rights machinery, equality and non-discrimination, prevention of human rights violations, development and human rights, technical assistance and human rights education. In order to implement that programme the High Commissioner must maintain a permanent dialogue with States and international organizations, coordinate the activities of the United Nations human rights bodies, provide advisory services and address human rights challenges in the field.

30. A major human rights issue was the strengthening of the Commission on Human Rights; one important means of achieving that goal was the review and rationalization of its agenda, further biennialization of which was highly desirable. Efforts should be made to eliminate double standards and a selective approach to the assessment of human rights issues; human rights problems in different parts of the world needed to be evaluated in strict compliance with international standards.

31. His delegation considered that one of the most pressing tasks was to enhance the efficiency of the United Nations human rights bodies by upgrading monitoring procedures aimed at the effective implementation of international human rights standards. Improved coordination between human rights mechanisms was needed to avoid duplication and legal contradictions. Of particular significance was the field dialogue of the High Commissioner and the Centre for Human Rights with individual countries. The programme of technical cooperation needed to be strengthened still further in order to bring national legislation into line with international human rights standards.

32. Since the World Conference on Human Rights there had been encouraging developments, but reports of flagrant human rights violations continued. Those responsible should be punished in accordance with international law and domestic legislation. His Government reiterated its support for the

international tribunals for the prosecution of persons responsible for serious violations of international humanitarian law and human rights committed in the territories of the former Yugoslavia and Rwanda and supported proposals aimed at strengthening United Nations control mechanisms to prevent mass and systematic violations of human rights. Such mechanisms could be integrated into coordinated international activities on conflict prevention and peacekeeping. The strengthening of the preventive activities of the United Nations human rights bodies was indispensable if they were to function efficiently.

33. His delegation supported the High Commissioner's proposal for increased cooperation between United Nations human rights bodies and other United Nations agencies in order to maintain a permanent exchange of information, experience and expertise. The implementation of the Commission's decision on human rights and the environment, in which the Secretary-General was requested to prepare a consolidated report based on the deliberations on Agenda 21 at the General Assembly and in the relevant United Nations bodies, could be an example of an extended partnership of that nature.

34. Harmful changes to the human environment required new standards to strengthen human rights protection. While his delegation objected to the Commission's discussing environmental problems as such, it was convinced that the Commission should consider the question of environmental human rights and the legal machinery for their protection.

35. Mr. LI Baodong (China) said that a correct understanding and implementation of the Vienna Declaration and Programme of Action would have a major impact on the promotion of international cooperation in the field of human rights. How to pave the way for a smooth follow-up to the World Conference on Human Rights had become a priority for the international community as well as for the Commission.

36. The Vienna Declaration and Programme of Action was a comprehensive document which reflected the views of most countries on human rights issues; the follow-up to the World Conference required a balanced and impartial understanding of the document and misinterpretation should be avoided. In the case of certain countries, only civil and political rights were emphasized while economic, social and cultural rights were neglected; attention was paid to the universality of human rights but not to national, regional and historical particularities. Such a line of action was not conducive to the follow-up to the World Conference.

37. The Vienna Declaration and Programme of Action stated that democracy, development and respect for human rights and fundamental freedoms were interdependent and mutually reinforcing. In the absence of sustained economic development or the free participation of the people in the running of the State, human rights could not be fully guaranteed. His Government had learned from its own experience of reform that only by concentrating its efforts on economic development under the precondition of national and social stability, while sparing no effort to build up democracy and a legal system, could a country like China achieve steady progress and full enjoyment of human rights.

38. The Vienna Declaration and Programme of Action also stated that the promotion and protection of all human rights and fundamental freedoms must be considered as a priority objective of the United Nations in accordance with its purposes and principles, in particular the purpose of international cooperation. States were required to abide by the purposes and principles of the United Nations and to conduct dialogue and cooperation in human rights on a basis of equality. Some countries, however, politicized human rights and adopted a confrontational approach to them which seriously damaged the normal work of the Commission. The developing countries had shown a desire to replace confrontation by dialogue and cooperation on human rights issues in General Assembly resolution 51/100, entitled "Enhancement of international cooperation in the field of human rights", but some western countries had time and again deviated from the spirit of cooperation advocated in the Vienna Declaration. Any political confrontation on the pretext of human rights could only lead to a dead end.

39. The message of the World Conference on Human Rights in Vienna was that as long as the Commission and the international community demonstrated a spirit of cooperation, consultation and seeking of common ground, they could contribute to the cause of promoting and protecting human rights. His delegation appealed to the countries concerned to respond to the demand of the developing countries for cooperation, dialogue and consensus and to give up their erroneous approach of confrontation in the human rights field.

40. Mr. SYMONIDES (United Nations Educational, Scientific and Cultural Organization) said that one of the main results of the World Conference on Human Rights had been the recognition of the importance of human rights education, which it had stressed as essential for the promotion of stable relations among communities and for fostering mutual understanding and peace. In proclaiming the United Nations Decade for Human Rights Education, the General Assembly had referred to the World Plan of Action on Education for Human Rights and Democracy, adopted in Montreal in March 1993, and had recalled that education for human rights and democracy was itself a human right.

41. UNESCO collaborated first and foremost with Governments in framing national policies and strategies to improve curricula and textbooks, teaching methods and the functioning of educational institutions. It also cooperated closely with non-governmental organizations and various educational networks and specialized structures, including Associated Schools. Another new network consisted of the UNESCO Chairs on Human Rights, Democracy and Peace established in 22 countries throughout the world. Education for peace, human rights, democracy, international understanding and tolerance had become an essential part of the UNESCO project "Towards a Culture of Peace". The aims of such education were not limited to the promotion of knowledge but also embraced the creation of skills and behavioural patterns.

42. The World Conference had also called for the strengthening of the enjoyment of economic, social and cultural rights. That did not mean that there was a need to elaborate new cultural rights, although some existing

rights needed further development. Cultural rights were not immune to economic, social, scientific or technological developments. The information revolution, for example, had numerous consequences for freedom of expression and the right to the protection of the moral and material interests resulting from scientific, literary or artistic production.

43. Like all members of the United Nations family, UNESCO was preparing its programme to celebrate the fiftieth anniversary of the Universal Declaration of Human Rights, including a special project to raise awareness of human rights within its Secretariat. In accordance with the Memorandum of Understanding signed by the Director-General of UNESCO and the High Commissioner for Human Rights, initiatives would be taken to intensify education for human rights and to introduce the text of the Universal Declaration in all schools. His organization would like to use the celebration to intensify reflection on cultural rights, including the right to education.

44. Mrs. MARKIDES (Observer for Cyprus) said that 4 years after the adoption of the Vienna Declaration and Programme of Action and almost 20 years after the adoption of the Convention on the Elimination of All Forms of Discrimination against Women, the international community still had a long way to go to achieve gender equality and to remove all obstacles to the advancement and empowerment of women. The Secretary-General of the United Nations had emphasized that women must have equal access to political power and decision-making in order to contribute to the well-being and progress of society.

45. Despite the continuing Turkish occupation of more than 37 per cent of its territory, Cyprus had achieved considerable progress in promoting the advancement of women and in its policies to eliminate discrimination against them by establishing an Equal Opportunity Commission, legislation on equal pay and special civil courts for family matters.

46. A growing political and social awareness was emerging on the part of women in Cyprus as was demonstrated by their efforts to promote their status and by their struggle for the right to life, liberty and security of the individual and freedom of movement and settlement in a united country. In Cyprus, women continued to suffer systematic violations of their basic human rights and fundamental freedoms as a result of the Turkish invasion, when many women had been killed and ill-treated and rape had been prevalent. Women in Cyprus were fighting for the right of refugee women to return home, for the right of the relatives of missing persons to be informed of their fate and for the rights of the women living in the occupied part of Cyprus under conditions that were far from normal. The Commission could not remain indifferent to the plight of women in Cyprus.

47. Ms. AQUILINA (Observer for Malta) said that her delegation agreed with the view that human rights, peace and development formed the triad of goals of the United Nations and the world community and that a United Nations human rights programme should be able to meet the needs of the international community by taking both preventive and responsive action. Technical

cooperation, in the form of constitutional and legislative assistance, human rights training and assistance in the establishment of human rights institutions, went a long way in that regard.

48. The Medium-Term Plan for 1998-2001, adopted by the General Assembly at its fifty-first session, identified the strategic objectives for a human rights programme for the twenty-first century. Her delegation agreed that the main objectives should be to emphasize the importance of human rights in international/national agendas, to promote international cooperation for human rights and to stimulate and coordinate action across the United Nations system in the context of the other reforms taking place within the Organization.

49. The work of the Commission had shown that solidarity and goodwill could bring results and provide an opportunity for States to look at their achievements and failures. Her delegation hoped that 1998 would mark the start of another 50 years of contributing to the goal of ensuring the dignity of the human race.

50. Mr. ALAEE (Observer for the Islamic Republic of Iran) said that the follow-up to the World Conference on Human Rights should focus on matters of a general nature, such as international cooperation and coordination of human rights activities and the streamlining of the United Nations human rights machinery.

51. Certain requirements must be fulfilled to achieve the goal of promoting the international instruments and their universal ratification. The Vienna Declaration and Programme of Action called on the Secretary-General to initiate a dialogue with States which had not acceded to human rights treaties. Practical measures should be taken to establish adequate machinery to facilitate open discussion among member States, intergovernmental and non-governmental organizations to identify the real obstacles to ratification. There was a need to involve States which had not yet acceded to the international instruments by providing a forum for the exchange of views at the grass-roots level. Ratifying States should be given assurances that they would be legally authorized to implement the instruments ratified in accordance with their cultural and political circumstances. Only in that context could the international community ensure universal access to the main international instruments.

52. The World Conference on Human Rights had also called for the elaboration of new norms and instruments. That process, which could already be seen in the elaboration of optional protocols to some major treaties, must be conducted in full awareness of the reality of the world and with due regard to influential elements in the evaluation of human rights violations. His Government would appreciate debate on the contents of the protocols under consideration, with particular regard to economic, social and cultural rights and child pornography and child prostitution.

53. Another measure which would contribute to promoting the principal international instruments would be to reduce the reporting burden on States while maintaining the effectiveness of the reporting system in the United Nations treaty bodies. Furthermore, technical cooperation and advisory

services programmes played an important role in building up national capacities to ensure the promotion of human rights in specific countries; it was very important to exclude political considerations from their implementation.

54. As the year 1998 approached, heralding the commemoration of the Universal Declaration of Human Rights and the five-year review of the Vienna Declaration and Programme of Action, it was clear that a mere celebration of the two Declarations and a cosmetic review would not bring substantive changes in the world programme of work for the true realization of human rights. A critical review of the past, however, would help to ensure the objective implementation of the Declarations.

55. Mr. NDIAYE (Observer for Senegal) said that the United Nations Centre for Human Rights had developed substantially in recent years; its role currently included implementing the decisions of the Commission on Human Rights, acting as secretariat for the Sub-Commission and treaty bodies, assisting and advising States and facilitating the many special procedures established by the Commission. The aim of the restructuring exercise was to make the Centre more efficient within the limits of its financial and human resources. While his Government did not reject in principle the proposals made in the context of the restructuring, it suggested that they should be submitted to the General Assembly for approval and discussed within the Commission on Human Rights. It had observed that arrangements which had been presumed to be transitional had already become permanent and that decisions concerning the future of the staff had been taken without a decision by the General Assembly or the consent of the member States. His delegation was particularly concerned about the situation of staff members from developing countries, the Africans among whom held only subordinate posts.

56. With reference to the basic consistency between the restructuring and the priorities of the World Conference on Human Rights, his delegation feared that the programmes relating to economic, social and cultural rights, the right to development, the Second Decade to Combat Racism and Racial Discrimination and indigenous peoples would virtually disappear. An exclusively functional approach to human rights would thus eliminate a number of important programmes.

57. With regard to questions of funding, the Centre for Human Rights had an enormous workload that could be eased only by a considerable financial effort. The international community could not simply declare its commitment to the promotion and protection of human rights without providing the human and financial resources its organs required. The point was not merely to keep funding at the same level but to be prepared to make further resources available as and when necessary.

58. Ms. MALONI (Indian Council of Education) said that her delegation welcomed the report of the United Nations High Commissioner for Human Rights (E/CN.4/1997/98) on promoting a culture of human rights in which everyone bore a responsibility and in which Governments were expected actively to protect human rights, prevent religious conflicts, eradicate hunger and poverty and promote sustainable development. However, since developing countries were overburdened with problems of hunger, disease, illiteracy and poverty, it was essential for the international community to support the action of Governments

and non-governmental organizations in pursuit of social objectives. Her organization was also highly appreciative of the United Nations Decade for Human Rights Education. There was furthermore a crucial link between democracy, development and human rights; without democratic structures, people could not participate in the civic life of a community and government accountability was indispensable.

59. The Beijing Conference had highlighted the need for women's empowerment but, despite various initiatives that had been taken, the section of the Vienna Declaration and Programme of Action concerning the status of women still remained to be implemented. The criminal justice system in most societies was insensitive to the needs of women. Her delegation requested the Commission to take a serious look at continued violence against women and design special programmes to enhance awareness in the world community regarding gender issues. It also suggested that the Commission should include a separate item on the status of women in its agenda.

60. Ms. MACIAS (Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos) said that, as the twentieth century drew to an end with ideologies in a state of crisis, human rights constituted the only universal language of mankind for the discussion of major issues. At a time of globalization, major problems also had a global dimension and must be addressed from a universal perspective. The Vienna Conference had been aware of that frame of reference and had established the universal nature of human rights, stressing their indivisibility. All too often, however, economic, social and cultural rights were forgotten or relegated to second place. If the theory of indivisibility was true, failure to realize those rights meant that civil and political rights lost credibility and were difficult to protect.

61. At the end of the twentieth century, the most widespread human rights violations stemmed directly or indirectly from the terrible spread of poverty in the world. Poor States were often powerless to realize social rights. The responsibility of States extended to the international economic order, and that was particularly true of the wealthiest States which most benefited from it. The doctrine of the indivisibility of human rights which had emerged from the Vienna Conference needed to be more consistently observed. The Conference had recognized the importance of NGOs in defending and promoting human rights, but much remained to be done to develop the relationship between the United Nations, States and NGOs. The long experience of the latter and their sensitivity to human rights issues made them irreplaceable in promoting the cause of human rights.

62. Major international efforts were being made by UNESCO and the Centre for Human Rights regarding the progressive introduction of syllabuses for educational institutions which included the theory and practice of human rights. Human rights constituted a great hope for the future of mankind but the critical spirit that informed them must continue to exist.

63. Mr. MENDEZ (Commission for the Defense of Human Rights in Central America) said that the World Conference on Human Rights had recognized that the human rights of women and girls were an inalienable part of universal human rights and that violence and sexual exploitation and international

trafficking in persons were incompatible with human dignity. It had also called on the General Assembly to adopt the Declaration on the Elimination of Violence against Women and had obtained an undertaking from the United Nations to promote universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) by the year 2000. His organization considered it essential for the protection of women's rights that an optional protocol to that Convention should be adopted. The need for such an instrument had been expressed on various occasions by the international community and most particularly at the Beijing World Conference on Women, which had stated that existing machinery for the implementation of the Convention was inadequate. An optional protocol would contribute to incorporating women's rights into the work of the United Nations system since it would create case law in that respect.

64. His organization therefore believed that the protocol must provide for a complaints and/or communications procedure; machinery for investigating cases of systematic violations of women's rights; opportunities for communications to be transmitted by individual women, groups, networks or NGOs; the opportunity to invoke the articles of the Convention in a communication; the assurance that all articles were enforceable in the event of the impairment of rights protected by the Convention; more extensive public dissemination of the results of communications and investigations; the possibility of resorting to such procedures in certain circumstances even when domestic remedies had not been exhausted; and correctional measures that would contribute to strengthening international human rights law.

65. Ms. ARGUETA (El Salvador) said that the World Conference on Human Rights had provided an opportunity to assess achievements and obstacles in the field of human rights and recognition of the indivisibility of human rights and their relation to peace, democracy and development, as well as the recognition of the rights of women and girls as an inalienable part of human rights, and the establishment of the Office of the High Commissioner for Human Rights.

66. Specific measures had been taken within the United Nations system to strengthen coordinated action to deal with the new needs and challenges in the area of human rights. Her Government had welcomed the Economic and Social Council's decision to devote its coordination segment in 1998 to a follow-up of the implementation of the Vienna Declaration and Programme of Action, which would be a major contribution to the efforts initiated. The Medium-Term Plan adopted by the General Assembly at its fifty-first session included the promotion of human rights as a priority area of work for the United Nations and clearly identified the strategic objectives of the United Nations human rights programme for the coming century.

67. With the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights and the five-year review of the Vienna Declaration and Programme of Action in 1998, the international community would have an ideal opportunity to renew its commitment to human rights by highlighting their importance in national and international action programmes, considering suitable means for promoting international human rights cooperation and encouraging the ratification and implementation of international standards. The international community must continue to support activities in the field and advisory services and technical assistance to strengthen national human

rights infrastructures while at the same time giving priority to preventive action with special emphasis on human rights education. Governments and the organizations, institutions, agencies and programmes of the United Nations system must therefore continue to work together with intergovernmental and non-governmental organizations and maintain their dialogue in order to strengthen the human rights programme.

68. Mr. STROHAL (Austria) said that the Vienna Declaration and Programme of Action continued to provide the United Nations, the regional human rights organizations and the international community with a framework of principles and activities which charted the course of action in the field of human rights into the next century. The Conference's pronouncements on universality and on the indivisibility and interdependence of human rights continued to guide the work of Governments. The recommendations of the Vienna Declaration and Programme of Action had been taken up in numerous initiatives within the Commission and elsewhere and the call of the World Conference on Human Rights for a United Nations system-wide approach to human rights issues had been reflected at subsequent United Nations conferences.

69. The United Nations human rights programme had undergone significant changes since the World Conference on Human Rights, the most visible of which had been the establishment of the post of High Commissioner for Human Rights. Mr. Ayala-Lasso's most important achievement had been the increasing operationalization of the human rights promotion and protection activities of the United Nations while he had also initiated the overhaul of the Centre for Human Rights, which had been long overdue.

70. The Vienna Declaration and Programme of Action had urged United Nations human rights programmes and agencies to enhance cooperation and had also recommended that the executive heads of United Nations agencies should assess the impact of their strategies and policies on the enjoyment of human rights at their annual meetings. Thus far, however, only limited progress had been made in developing such a comprehensive approach to the promotion and protection of human rights by integrating them into the mainstream of United Nations activities. No systematic and permanent United Nations inter-agency coordination mechanism for human rights issues had yet been established. Furthermore, the promotion and protection of human rights had not yet been fully integrated into the framework for coordinated follow-up to international conferences. In his delegation's view, the Programme of Action adopted at the World Conference on Human Rights represented an integral component of the outcome of recent United Nations conferences and should be fully integrated into follow-up mechanisms.

71. That issue therefore needed to be addressed in the ongoing process of overall United Nations reform. His delegation was pleased to note that the Secretary-General considered human rights to be one of the main sectors of United Nations activities, an approach which reflected the cross-cutting nature of human rights issues.

72. In addition to a more effective secretariat in the Centre for Human Rights in Geneva, the New York office of the High Commissioner also needed to be strengthened. It had been agreed at the World Conference that a first review of progress in the implementation of human rights commitments would be undertaken on the occasion of the fiftieth anniversary of the

Universal Declaration of Human Rights. The five-year review of the Vienna Declaration and Programme of Action should also serve to assess existing human rights activities in the United Nations system. In 1996, the Commission had recommended that the Economic and Social Council should consider devoting the coordination segment at its substantive session in 1998 to the question of coordinated follow-up to the Vienna Declaration and Programme of Action. That coordination segment should be based on the report on measures taken by United Nations programmes and agencies in the field of human rights and on the coordinating role of the High Commissioner.

73. It was his delegation's sincere hope that Human Rights Year 1998 would provide an opportunity to recreate the momentum of the World Conference to strengthen the United Nations human rights programme. The High Commissioner for Human Rights could play a key role in the preparation both of the fiftieth anniversary of the Universal Declaration of Human Rights and the five-year review of the Vienna Declaration and Programme of Action. In order to make Human Rights Year 1998 a success, it would be necessary to mobilize all sectors of society in all parts of the world for the advancement of human rights. In a number of countries, planning activities were already under way and in his own country NGOs had formed a national coalition to prepare for 1998. His delegation hoped that international NGOs with broad-based affiliations would contribute to mobilizing NGOs in all parts of the world and bring national initiatives together to facilitate the exchange of ideas and the coordination of national and international activities. Human Rights Year 1998 was concerned with the better implementation of existing international human rights standards, including the promotion of universal ratification of the principal human rights instruments. Additional efforts were required to honour the commitments made both in the Universal Declaration and in the Vienna Declaration and Programme of Action so as to enter well prepared into Human Rights Year 1998.

74. Mr. BOHR (International Organization for the Development of Freedom of Education) said that the World Conference on Human Rights had stressed two issues which his organization considered to be of prime importance - economic, social and cultural rights and human rights education. For the past three years, his organization and the World University Service, in collaboration with the High Commissioner for Human Rights/Centre for Human Rights and UNESCO, had been organizing a summer university on human rights and the right to education in Geneva during the session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. It had arisen out of a joint effort by a large group of human rights institutions. At its 1996 session the participants, coming from 22 countries, had adopted a final declaration calling on the international community to recognize the indivisibility of human rights and requesting the establishment of an international court of justice for human rights and the implementation of policies that would permit sustainable development and guarantee the access of everyone to education. The programme for 1997 would comprise three new units: priorities in human rights and the issues of indigenous peoples and ethnic, religious and cultural minorities; cultures and religions and the universal nature of human rights with particular reference to indigenous questions; and an introduction to the use of new technologies in the field of human rights.

75. Without adequate training, an authentic human rights culture could not be achieved. It was to be deplored that the Voluntary Fund for the United Nations Decade for Human Rights Education was not yet operational. Although Commission resolutions often stated that human rights education was a matter of priority, the means were not being made available to implement that priority. His organization urged member States to consider that aspect in a resolution on the subject.

76. The CHAIRMAN announced that the general debate on agenda item 22 had thus been concluded.

DRAFTING OF A DECLARATION ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (agenda item 20) (continued) (E/CN.4/1997/92)

77. Mr. RAVALOSON (Madagascar) expressed his delegation's disappointment that lack of consensus was delaying the work of finalizing the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms. The finalization of the declaration would constitute a major advance and would be a highly symbolic gesture. His delegation therefore proposed that the mandate of the Working Group should be extended for a thirteenth and last year with the obligation to finalize the draft declaration, with or without a consensus, and submit it to the General Assembly for adoption in 1998, with or without a vote. The non-governmental organizations, social institutions, associations and individuals involved in the defence and promotion of human rights needed a declaration to validate their actions and to have room for manoeuvre. His delegation appealed to all States to guarantee the physical and moral integrity and freedom of action and movement of all those involved in promoting and protecting human rights; they deserved the Commission's tribute for the courage with which they performed their mission.

78. Mr. van RIJSSEN (Netherlands), speaking on behalf of the European Union and Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia and Cyprus, said that he wished to call attention to the courageous people known as "human rights defenders" who were often deprived of speech by their own Governments. Governments should, instead, take their criticism constructively. Human rights defenders were people who spoke out about the rights of their compatriots in their own countries, who defended the rights of free trade unions, and who risked imprisonment by saying out loud what was stated in the Universal Declaration of Human Rights. They used only their voices and their pens against a power exercised without restraint.

79. A working group had started more than a decade previously to draft a declaration to ensure the rights of human rights defenders and its final session should be held in 1998. While many member States were committed to that end, some had stressed the obligations and duties of human rights defenders. To mention obligations other than the responsibility to speak

out when human rights were violated, when Governments did not fulfil their obligations or when a society was governed through fear was to curtail the rights of human rights defenders. When Governments felt obliged to rule through fear, it was because they were afraid to hear about their own obligations.

80. The commitment of Governments to universal human rights should secure the rights of everyone, including human rights defenders. Even without a special declaration, human rights instruments already implied protection of human rights defenders and their freedom to work for the protection and promotion of human rights. The group of delegations on whose behalf he was speaking called on the High Commissioner for Human Rights and all rapporteurs, representatives and working groups of the Commission on Human Rights to continue to pay special attention to the plight of human rights defenders.

81. Mr. SHATTUCK (United States of America) said that the crucial role of individuals and non-governmental organizations in the struggle to ensure respect for human rights could not be overemphasized. Those who fought for freedom of religion, free expression, cultural self-expression, democracy, political pluralism and the protection of the environment were the true human rights defenders. He paid tribute to the men and women who had lost their lives in defence of human rights in 1996 in countries around the globe and went on to cite the achievements of the men and women who defended human rights in East Timor, Indonesia, Tibet, China, Burma and Sierra Leone. Political leaders, too, in South Africa and Guatemala had taken a courageous stand for peace, reconciliation and human rights.

82. In many countries, journalists risked imprisonment or even death, as had been the case in Algeria and in Mexico, while senior staff from Nigeria's pro-democracy weeklies had been driven underground. Those who took a stand on hazardous environmental conditions sometimes suffered for offending forces more powerful than they, as in the recent cases of a retired Navy captain in Russia, a missile technician turned journalist in China and an opponent of the logging industry on Sarawak.

83. He was struck by the number of non-governmental organizations present in the Commission and the range of viewpoints they represented, not all of which accorded with the views of the United States. It was the task of NGOs from the United States, as human rights defenders, to draw attention to the shortcomings of their Government. They played a central role in their country's democracy, and their right to speak out against the policies of their own country as well as other countries must be defended. Since the San Francisco Conference which had given birth to the United Nations system, NGOs had been at the forefront of the movement to bring human rights out of the realm of theory and into the lives of ordinary people. The United States took a special pride in the close and frequent consultations it held with its own NGOs on human rights issues.

84. His Government was concerned about the slow progress made by the Working Group on the draft declaration on human rights defenders. The declaration needed to be adopted immediately so that the Commission could go on record in support of the courageous work of those who defended and promoted human rights

around the world. Human rights defenders were an integral and essential part of the human rights community and had a critical role to play in the Commission on Human Rights and throughout the world.

85. Ms. GALLEGOS (International Service for Human Rights), speaking also on behalf of the International Commission of Jurists, International Federation of Human Rights Leagues, International Federation of ACAT (Action of Christians for the Abolition of Torture), International League for the Rights and Liberation of Peoples, Centre for Justice and International Law, Commission for the Defense of Human Rights in Central America (CODEHUCA), Andean Commission of Jurists and World Christian Life Community, said that on 20 March 1997, during a debate in the Human Rights Commission of the Colombian Senate, the Commander of the Armed Forces had stated that the report of the United States Department of State on the situation of human rights in Colombia in 1996 was unreliable because it was based on the reports of the Colombian Commission of Jurists, whose director, Mr. Gustavo Gallón, had been charged with a number of criminal offences. The false accusations against Mr. Gallón were a clear fabrication by military intelligence. An earlier statement by the Commander-in-Chief of the Army in Colombia had implied that the human rights crisis in Colombia was due to a network of guerrilla drug traffickers in Europe. False and irresponsible statements of that type jeopardized the lives of human rights defenders.

86. Mr. Gallón had been one of the spearheads of the Colombian NGOs in their work to obtain access to international and regional human rights machinery. His continuous activity in human rights bodies in the Americas had proved inconvenient for those accustomed to impunity and silence on the part of the international community. Attempts were currently being made to put an end to Mr. Gallón's activities on behalf of democracy, the rule of law and justice and peace in Colombia. The organizations which she represented thus considered it a matter of urgency that the Commission should express its concern to the Government of Colombia for the freedom and safety of Mr. Gallón.

The meeting rose at midnight.